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# BRIEF HISTORY

OF THE

# TRIAL

OF THE

REV. WILLIAM A. SCOTT, D. D.

FROM ITS COMMENCEMENT BEFORE THE LATE PRESBYTERY OF NEW  
ORLEANS, IN JULY, 1845, TO ITS "TERMINATION" BY  
THE GENERAL ASSEMBLY, IN MAY, 1847.

WITH

IMPORTANT DOCUMENTS AND GRAVE DISCLOSURES  
NEVER BEFORE PUBLISHED.

---

BY JAMES SMYLIE,

A MEMBER OF THE PRESBYTERY OF LOUISIANA.

---

*"Judgment is turned away backward, and Justice standeth afar off; for Truth is fallen in the street, and Equity cannot enter. Yea, Truth faileth; and he that departeth from evil maketh himself a prey: and the Lord saw it, and it displeased him that there was no judgment."*

ISAIAH LIX.—AN OLD AND MUCH NEGLECTED WRITER.

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NEW ORLEANS,  
PRINTED FOR THE AUTHOR.

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## EPISTLE DEDICATORY.

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TO THE REV. CHARLES HODGE, D. D.,

*One of the reputed Editors of the BIBLICAL REPERTORY, and the supposed author  
of the review, in that periodical, of the proceedings of the  
General Assembly of 1847:*

REV. AND DEAR SIR :—I hope you will pardon me, in making a sort of “dedication” of this small pamphlet to you. My object is not that you may take it under your special patronage, but that you may give it your special attention. I have not the vanity to suppose you will be flattered above measure, by this humble mark of my distinguished consideration; for the subject treated of is an unpleasant one, and will doubtless be so regarded by you, as well as by myself. But unpleasant subjects are sometimes important, and demand serious examination. In my opinion, this is one of that nature; and I shall be happy if this opinion shall so far meet with your concurrence, as to constrain you to pay to these pages the compliment of a careful perusal, and try their subject matter in the crucible of your capacious intellect.

Another reason why I have thought fit to give this publication an individuality of direction, (if I may be allowed the expression,) by addressing it to you personally and especially, is the fact that you were a member of our last General Assembly, and took a prominent and active part in its proceedings, to which, a consideration of your piety, talents, learning, and long and varied experience, may have justly entitled you. As my complaints, in the case of Dr. Scott, were not read to the Assembly, and consequently, as the body at large were entirely uninformed as to the points involved, a special responsibility may well be supposed to rest upon those, by whose agency, in chief, the case received, in that body, its singular “termination.”

Your influence was neither unfelt nor unacknowledged, by the chairman of the Judicial Committee, to whom my complaints were referred, as regards the final disposition of the case, which the committee recommended, and the Assembly, on your motion, adopted.

Believing that this result will not contribute to promote the cause of truth, nor to command that justly founded respect for the proceedings of our ecclesiastical

judicatories, which we should all seek to promote, I have thought it best to give to the public a history of this case, hoping that those who so greatly contributed to the present disposition of it, may be convinced, when they shall have carefully perused and weighed all the prominent facts and principles involved, (some of the most important of which are herein for the first time, fully and publicly set forth,) that the course they pursued, though prompted by the best intentions, was not based upon a well-informed judgment.

I cannot for a moment permit myself to believe, that you acted in this matter in full view of the facts. You were doubtless misinformed, as to the real merits of the case before the Assembly. To suppose otherwise, would be no compliment to your good sense, as you doubtless will agree, when you shall have attentively considered what is now laid before you.

But as your official and personal influence has been prominently given to bring about the singular result attained, I address this publication to you, and respectfully ask for it your candid attention; while,

In the gospel of a common Saviour,

I am Yours, most truly,

JAMES SMYLYE.

## REASONS FOR PUBLISHING.

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It may, perhaps, surprise some, who see this pamphlet, that a publication on this subject should be made by me, after such representations as were extensively circulated by the religious press, at and since the time the case of Dr. Scott was disposed of by the General Assembly, in May last. Those representations, however, were, in many respects, erroneous, as I shall here show; and it is to correct them, and disabuse the public mind touching many things connected with this case, as well as for the reasons which will appear throughout this pamphlet, that I now give this publication to the world.

The erroneous representations alluded to, were—that *I was satisfied with the disposition of the case by the General Assembly—that I expressed such satisfaction to the Judicial Committee of that body—and that I agreed to let the matter rest with that Assembly's decision.* The papers in which such views were given, in whole or in part, are the *New York Observer*, the *New York Evangelist*, the *Louisville Presbyterian Herald*, and the *Biblical Repertory*.

The *New York Observer* represents the Judicial Committee as saying that “they had conferred with Mr. Smylie,” and he “would not object to the immediate termination of the matter, without further trial, if the committee would take the whole responsibility of pursuing that course.” The *Observer* further says: “The Rev. Mr. Smylie, the complainant, states, that so far as he is concerned, the matter is now entirely at rest.”

The *New York Evangelist* says: “The Judicial Committee reported, \* \* \* \* recommending, that, as the testimony was very voluminous, and as Mr. Smylie agreed, if the Assembly would take the responsibility of dismissing the case without a hearing, to suffer the whole subject to rest, the Assembly should dismiss the case; which was accordingly done.”

The *Presbyterian Herald* says: “The committee had Rev. Mr. Smylie before them, and advised with him whether it were not best to dismiss the case. He was satisfied with that disposition of it, provided the committee would take the responsibility of recommending it to the General Assembly.”

The *Biblical Repertory* says, in its review of the proceedings of the Assembly, that the Judicial Committee were of the opinion, “that if the case could be disposed of, consistently with the rights of Mr. Smylie, without either remanding or adjudicating on it, all the ends of justice would be gained, and the peace of the church promoted. Accordingly, after an interview with Mr. Smylie, who agreed to submit to this course, if the committee and Assembly would assume the responsibility of adopting it, they recommended to the Assembly,” &c.

At first view, it would seem somewhat surprising, that so many respectable prints should concur in a general representation of this matter, and yet, on one point, (in which my statements and pledges are attempted to be given,) should be as erroneous in the representation of the facts, as they are accordant in their supposed statement

of them. This general concurrence, will, of course, be deemed by many, as *prima facie* evidence of its correctness. But I shall here show, that, on this point, these newspapers and the Repertory, are in error, though, as I believe, unintentionally so.

FIRST—The true state of the case is this: I was *not satisfied* with the report on my complaints, which the Judicial Committee made to the General Assembly, and which the Assembly adopted; and I *distinctly expressed my dissatisfaction to the committee*, as will shortly appear. I handed in all my papers to the Assembly, viz:—my original complaint to the Synod of Mississippi, against the Presbytery of Louisiana; my modified complaint, against the Presbytery; my complaint to the General Assembly, against the Synod; a copy of the printed minutes of the trial of Dr. Scott; and a copy of the memorial of the Rev. James A. Lyon, which was presented by him to the Synod, in 1846. All these documents, without any of them being read, were handed over to the Judicial Committee.

While on my way to Richmond, where the Assembly were to meet, I fell in company with several members, and other ministers who were not members. When at any time, the purpose of my attending the Assembly was introduced, I thought I could discover, invariably, a disapprobation of my business. When I arrived in Richmond, I soon discovered a general disposition among the members, to give the case the go-by, with the exception of the chairman of the Judicial Committee, who, individually, was in favor of remanding the case to the Synod, for investigation.—This general feeling among the members, was, I thought, somewhat surprising, inasmuch as they were totally unacquainted with the grounds of my complaint. I attended the sittings of the Judicial Committee at all times, except when they informed me that they desired to be alone. I had strong hope that the committee would recommend judicial action on the case, until I heard that the chairman of the committee of “Bills and Overtures,” (Rev. Dr. Hodge, of Princeton,) had expressed *his* opinion to the chairman of the “Judicial Committee,” (Rev. Dr. Janeway,) *adverse* to judicial action. When I heard this, knowing the great influence of Dr. Hodge in the Assembly, I concluded that there was but little hope that any thing like the prayer accompanying the complaints would be granted. In the conference with the Judicial Committee, (to which I had been invited,) I was fearful, that, possibly, a wrong impression might have been made on their minds, respecting my real position and views, touching the final disposition of the case, which they seemed inclined to recommend. Not being a member of the Assembly, I had no right to speak in the body. The tide seemed to set so strongly against the plain constitutional action which the case demanded, that even the chairman of the Judicial Committee, apparently, could not withstand it, though opposed to his personal views. I concluded, therefore, to object to no report which should be made, deeming judicial action upon the case, entirely hopeless. I left the case wholly with them and the Assembly, with the remark, that I did not accord with the committee, in the opinion that the peace of the church, or its purity, would be promoted by the course proposed, (to dismiss the case, without action,) and that, on them and the Assembly would rest the whole responsibility. I then retired to my room, and in order to guard against any possible misunderstanding of my position, I addressed the following note, in writing, to the committee:



REV. J. J. JANEWAY, D. D.,

*Chairman of the Judicial Committee of the General Assembly of 1847:*

After this morning's interview with the Judicial Committee, and after having maturely weighed your proposition; with all due respect, I hereby give notice, that neither directly nor indirectly do I concur with the committee, in the opinion, that an omission, on my part, to prosecute the complaint, would contribute to either the *peace or purity* of the Presbyterian Church within the bounds of the Louisiana Presbytery, *but the reverse*. I, consequently, *cannot consistently drop it; nor, would I have it to be considered that I expressed myself, as assenting to such a course, by REMOTE INFERENCE, from any thing that passed before the committee,—going to imply that I assented to any thing CONTRARY TO THE DISCIPLINE OF THE CHURCH*. Hence, my willingness, (as expressed,) to concur with the report of the committee, intended to be made this evening or to-morrow morning, SO FAR AS IN ACCORDANCE WITH THE ABOVE NOTICE.

With all due deference to the wisdom, prudence, piety, and discretion, of the committee, I subscribe myself,

Respectfully Yours,

JAMES SMYLLIE,

May 25th, 1847.

*Complainant.*

The committee had one or two sessions, after receiving the above note, before their report was completed. The report was then drawn up in its present form, and read to me, before the committee. On being asked, I consented to let it go in that form, before the House, inasmuch as I had already, in writing, definitely stated to the committee my position, and as I had no hope of having my clearly and fully expressed wishes for judicial action, (from which I never swerved,) recommended by the committee, or carried out by *that* General Assembly. I submitted to that course, as the only thing I could do, deeming it vain, single handed and alone, to withstand the whole sentiment of the Assembly, of which I was not a member, and in whose deliberations I had no voice; but the course recommended by the committee, and adopted by the Assembly, for disposing of the case, has never met my approbation.

The foregoing written note, I of course intended should be regarded by the committee as expressing my final and settled opinion, on the points involved; and I am not aware, that at any time, before or since, either verbally or in writing, I have expressed to any person, sentiments which in any manner conflict with these. But is there any thing in this note, which authorises the newspapers or Repertory to represent me as being "*satisfied*" with the termination of the case, without trial, provided it should be recommended?—or, as pledging myself to suffer the whole subject "*to rest*," if the Assembly would take the responsibility of "*dismissing the case, without a hearing*?" The contrary of this is plainly indicated; and these statements of the press are made without authority *from me*, in any thing that I have said or written to the committee, or any one else. If, at any time, I have been understood to express satisfaction with, or approval of, the action of the Assembly, I have been misunderstood.

SECOND—But what settles this question beyond cavil, is the very language of the report of the Judicial Committee on this point. This report was published at length

in the *Presbyterian*, of Philadelphia, at the time the Assembly were in session.—That newspaper did *not* misrepresent my position. The others named above, which *did* misrepresent it, (though, no doubt, unintentionally,) did *not* publish this report, and perhaps the editors did not read it. This may account for the difference. This report sustains the position taken in my written note to the committee, and thus fully sustains me against the very common though erroneous representations of the press. The committee, in this report, say, (as printed in the official minutes,) “They invited Mr. Smylie to a friendly interview, in which they expressed their opinion, and he stated his views. He did not concur with the committee in regard to the probable consequences of the case being remanded to the Synod or the *Presbytery*; \* \* \* \* but if the committee would, *without his concurrence*, assume the responsibility of recommending to the General Assembly to terminate the case without any further trial, and the Assembly should adopt this as the wisest way of terminating it, he would submit, and feel that he had discharged a duty,” &c.

The committee do not here sustain the above named prints, in saying that I “was satisfied,” to have an “immediate termination of the matter without further trial,” provided the Assembly should so dispose of the case; no—the committee merely say that I “would *submit*” to, not *approve* of, or be “*satisfied*” with, that course. I did “submit,” most certainly, and, I trust, graciously; what else could I do? But that I “was satisfied” with, or concurred in, or “agreed” to, or approved of, that course, as *according with my own views of what ought to have been done*, I have never stated—nor do the committee so state—nor have the newspapers or Repertory any proper authority for so stating. But I have always stated the contrary; and the committee sustain me in that position, in their representation of my statements to them. The committee expressly say, that it was “*without my concurrence*,” (of course, *with my objection*,) that they recommended to the Assembly “to terminate the case without further trial.” They also speak of *their* “assuming the *responsibility* of recommending,” &c. But how could there be any special “responsibility” in the matter, for the committee to assume, provided all parties “agreed” to, and were “satisfied” with, the recommendation proposed? This of itself shows that the report of the committee fully sustains me against the above misrepresentations of the press.

THIRD—The report was made to the House by the chairman, on the 26th May; and on motion of Dr. Hodge, for its adoption, it was unanimously passed, and became the act of the Assembly. I left the House, after copying the report, and prepared to return home by the morning’s boat. Dr. Chamberlain, (commissioner from the *Presbytery* of Mississippi,) called at my room in the evening, and stated to me, as a reason why he did not object to the report, that between the motion made for adoption and putting the question, Rev. Mr. Beadle, (commissioner from the *Presbytery* of Louisiana,) inquired if Mr. Smylie was *satisfied*? and that the chairman of the Judicial Committee replied in the affirmative. This I did not hear—neither question nor answer—owing to my sitting in a part of the House where it was difficult to hear, even when general stillness prevailed; but in the midst of bustle, such as prevailed after the report was read, none but those sitting near the speaker could

hear. I deem it due to Dr. Chamberlain and to Mr. Beadle to make this statement, especially as the latter might honestly, under those circumstances, represent me as satisfied *with the report*, which impression, however, I am not aware that he has made.\* From this also might arise the misrepresentations made by the public prints,

\* Since writing the above, I have learned that Mr. Beadle stated at the late meeting of the Louisiana Presbytery, (October 1847,) that I expressed myself "satisfied," to him and others, with the action of the Assembly on my complaints. No doubt, he honestly thought so. But I think, I have fully shown above, that it is an error, and have probably indicated, also, how he and others have fallen into it.

The Presbytery, at that meeting, expressed disapprobation of the course of the General Assembly, in disposing of this case, without adjudication. A certified copy of the Presbytery's minute, will be found in a note, on page 44 *et seq.* of this pamphlet. I was not present at the meeting, but was afterwards informed, that Mr. Beadle protested against the action of the Presbytery. I have obtained from the stated clerk, a certified copy of his protest, and give it as follows:

"Bishop Beadle presented a protest, which was received and ordered to be recorded without answer. It is as follows, viz: The undersigned begs leave respectfully, and yet solemnly, to protest against the action of the Presbytery in the adoption of the majority report on the minutes of the General Assembly, in the case of complaint of Rev. James Smylie, for the following reasons, viz. 1. Because the Presbytery was not present in the General Assembly, in any way, and have no cause to be aggrieved by their disposal of the case; consequently no action is called for by this body. 2. Because the General Assembly did not refuse to issue the case, the complainant waiving his right to prosecute the complaint. 3. Because the action of the General Assembly was such as to give satisfaction to the parties concerned, as expressed at the time, and the further action of this body in the case, opens the whole subject anew. 4. Because we have no evidence before this body that complainant was aggrieved by the action of the Assembly in the disposal of the case; and if we had, there would be no call for Presbytery to take action in his behalf. 5. Because the adoption of this report will prove highly injurious to the cause of religion, and tend to sever the bond of union between brethren, and to recommence the unhappy difficulties, which have so long harassed and vexed the church in this case."

[Signed,]

E. R. BEADLE.

I certify the above to be a true extract from the records of the Louisiana Presbytery at their sessions, held at Comite Church, East Feliciana, Louisiana, October 23d, 1847.

Attest:

BENJ. CHASE, Stated Clerk.

As it appears from the above, that Mr. Beadle's protest was "ordered to be recorded *without answer*," it is necessary that I should take some notice of its singular positions. 1. His first reason is, that "the Presbytery was *not present* in the General Assembly, *in any way*, and have no cause to be aggrieved," &c. I had supposed, before this, that the Presbytery of Louisiana was present by its *representatives*, Rev. E. R. Beadle, and a Ruling Elder—men, who, it was no doubt supposed, at the time of their election, would *represent*, faithfully, the sentiments of the Presbytery in this matter; but it seems, from the late action of the Presbytery, that they did not! Does Mr. Beadle, then, mean here to confess the truth, that himself and the elder who were sent to the Assembly, did not justly represent the Presbytery, and *therefore*, that "the Presbytery was not present in the General Assembly, in any way?" Would that all men were equally candid. Mr. Beadle's logic is as curious as his confession is truthful. As "the Presbytery was not present in the Assembly in any way," therefore, they "have no cause to be aggrieved" by the Assembly's "disposal of the case;" and "no action is called for," &c. If Mr. Beadle will attentively consider the minute adopted, he will find that the Presbytery deemed the action of the Assembly a virtual subversion of the constitution of the church, which every minister has sworn to uphold and defend; and also, that they regarded the dismissal of the case without investigation, "unjust" to all concerned. All this, clearly, is sufficient cause of grief, and for "action" too; and all the Presbyteries of the church might well sympathise with it, whether "present in the General Assembly, in any way," or not. 2. Mr. Beadle's second reason, that the Assembly "did not refuse to issue the case, the complainant waiving his right to prosecute the complaint," finds a sufficient answer in the body of the above preface, as seen in my narration of facts, my note to the Judicial Committee, and in their report, &c. 3. The third reason, that the "action of the General Assembly was such as to give *satisfaction* to the parties concerned, as expressed at the time," &c., calls for notice. Who were "the parties concerned?" The parties in this case were, originally, the *Presbytery of Louisiana*, as prosecutor, and *Dr. Scott*, as defendant. Are these the "parties" meant? How could they have "expressed satisfaction at the time?" Dr. Scott was not there; and upon Mr. Beadle's own confession, "the Presbytery was not present in the General Assembly, *in any way*." Neither of these "parties," then, could have "expressed satisfaction at the time." But, these perhaps, are not the parties meant. If the *complainant* is intended as *one* of "the parties concerned," the statement that I "expressed satisfaction at the time," is not true, though Mr. Beadle no doubt thought it was, I fully and clearly expressed the *contrary*, as shown above. Mr. Beadle misunderstood my position, and no doubt misunderstood the answer of the chairman of the Judicial Committee to his inquiry. But I was not a party in this case, further than as the agent in laying it before the Assembly. It was no personal affair between Dr. Scott and myself. The case was taken up, and



of my real position. The chairman of the committee, probably, supposed that the point of Mr. Beadle's inquiry was, whether I consented to let the report go before the House in that form, and not whether I *approved* of the report. Such, I can conceive, would be his conclusion, as to the point of inquiry, from the fact that the report itself, as just then read, stated my *want* of concurrence in the course recommended in it. Immediately after the report was disposed of by the Assembly, Dr. Hodge, being perhaps misled by the chairman's answer to Mr. Beadle, came to me, and said, substantially, in a tone audible to many of the members, that the Assembly were greatly indebted to me, for the result to which they had arrived. I replied, that I felt satisfied I had discharged my duty, but that the Assembly had incurred a fearful responsibility. To an inquiry, by Mr. Beadle, afterwards, at the reporter's table of the Rev. Samuel I. Prime, whether I was satisfied, I replied that I was satisfied I had done my duty. Whenever I have been inquired of, I have made much the same

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carried on, through every stage of its progress, upon the ground, solely, of "general rumor and common fame." The offence charged was an offence against the whole church, against TRUTH, against RELIGION, against GOD. It was, therefore, properly, no contest of mine, but a matter in which the whole church was interested, and in which its whole character has now become involved. But if Mr. Beadle means that I was one party, who was the *other* that "expressed satisfaction at the time?" I am utterly at a loss to know whom or what he means. He says, also, under the third reason, that "the further action of this body," (minute adopted by the Presbytery,) "in the case, opens the whole subject anew." How can this be, when the Presbytery studiously avoid expressing any opinion upon *the merits* of the case complained of, (stating the propriety of thus avoiding it, at least twice in their minute), and only disapprove the action of the Assembly, on the ground that they deemed it "unconstitutional," "unwise," and "unjust" to all concerned? The truth is, since the decision of the Presbytery, many of its members have learned that *important new testimony* has been discovered, unknown to the court at the time of trial; and they were, therefore, anxious that the Assembly should have investigated the matter, or secured an investigation, and thus upheld both the constitution and the credit of the church. 4. In his fourth reason, Mr. Beadle says: "We have no evidence before this body that complainant was aggrieved by the action of the Assembly in the disposal of the case." How this can be said, in a solemn protest, is singular, when it was known that my notice of complaint was on the records of the Presbytery; when it was known that I did complain to Synod; when it was known that I carried the case to the Assembly, a distance of many hundred miles, and attended for nine days upon its sessions, for the purpose of seeking by "complaint" that "redress of grievance," (See *ch. of Complaints*) in behalf of the truth, for which the constitution provides; and when it was known, that, failing to obtain a hearing on the merits of the case, and being obliged to "submit" to a dismissal, the Judicial Committee reported, and the Assembly adopted, that the case was dismissed by their "assuming the responsibility, *without my concurrence*." How it could be said, in a solemn protest, that there was "no evidence" before the Presbytery that I "was aggrieved" by the action of the Assembly, when all this was well known to the protestant, he being present both in the Synod and Assembly, I leave him to answer. I *should* feel aggrieved, truly, if I did not think that my past course in this matter, would not afford at least presumptive evidence of grief on my part at the dismissal of the case, when TRUTH could not be vindicated, because an investigation would "consume four or five days' time," and would be attended with some "inconvenience," and would incur some "expense," and "*might* produce excitement," among those of delicate nerves! This *would* be to me, emphatically, a cause of grief. And it is cause of grief to me, that our supreme judicatory should have dismissed so important a case for such poor reasons. 5. Mr. Beadle's fifth reason enumerates several doleful consequences, which would follow "the adoption of the report" of the Presbytery, touching this case. The action of the Presbytery expresses disapproval, as already stated, believing the course of the Assembly, "unconstitutional," "unwise," and "unjust." It is the right and privilege of any Presbytery, (and is very frequently the practice,) to express their opinions of the acts of the Assembly. It is a right, which, I presume, the Presbytery of Louisiana will always fearlessly exercise, maintain, and defend, whenever and however deemed necessary. To protest against its exercise, in regard to particular cases, as they come up, is also a right guaranteed to every member, by the common constitution. Mr. Beadle, in this case, exercised his right, and no doubt has expressed, honestly, his opinions. But how he should apprehend that such consequences as he has named in his fifth reason, would follow from the action of the Presbytery in this matter, when that action does not even hint at the merits of the case—and how he should say in his third reason, that this action "opens the whole subject anew"—is marvellous, on any other supposition, than that he believes THE REAL TRUTH IS SUCH, that the case cannot even be NAMED without producing the most thrilling perturbation in the bosoms of those who are, personally, the most deeply involved. Is this really so!

In addition to all the other reasons given above, showing the necessity for publishing a history of this case, I deem those furnished by Mr. Beadle's protest, as among the strongest.



reply, never intending to convey an impression, however, directly the reverse of the opinion expressed in my note to the Judicial Committee, as seems to have been so generally misunderstood by the press. The sentiments of that note, and the report of the committee, fully harmonise on this point, and sustain me against those misrepresentations.

I trust I have now fully "satisfied" any who may possibly have supposed, that my statements to the Assembly's committee, as they were attempted to be given by the newspapers and the *Biblical Repertory*, precluded me from making, without a violation of faith, any publication on this subject, and thus disturbing the supposed "rest" to which the above named journals had consigned the case, and to which they would make me a willing party.

It is, in part, to correct these misrepresentations of the press, that I make this publication. I might, it is true, have corrected the newspapers, through the papers themselves; but the *Biblical Repertory*, I am informed, does not admit corrections of its opinions or statements to be made in its own pages. That periodical circulates extensively among the ministers and elders of our church. Its course in the erroneous views it has given of the case of Dr. Scott, in its review of the proceedings of the last General Assembly, has especially constrained me to make this publication, in order that I might correct its errors, and relieve myself from its unjust imputations.

I also feel the absolute necessity of publishing, in order to meet an erroneous view put forth by a writer in the *Presbyterian Herald* of Sept. 9, 1847. The writer intimates that I was a party to the commission of a "felony," in the disposition of this case. He says of the proceedings of the Assembly: "If his (Mr. Smylie's) complaint was not regular, the Assembly had a right to cast it out; if regular, neither the Judicial Committee, nor the Assembly, had a right to consult and compound with any man about the suppression of the case." \* \* \* "To compound felony, is, by the common law, punishable by fine and imprisonment." In answer to this imputation, by an unknown writer, I think I have shown, above, that though the foregoing prints would make me a party to the transaction, yet the report of the Judicial Committee and my statements to them, fully acquit me of any responsibility in the "felony," if it was really committed. So grave an imputation, however, which is likely to be credited, without denial or explanation, clearly justifies me in making the present publication.

Besides the foregoing reasons, I have resolved to publish a full history of this case, in order that *truth may be vindicated*—and in order that I may be relieved from the unjust aspersion cast upon me, of persecuting an innocent man, and persevering in the course—and also, that future General Assemblies may learn wisdom, from the unwise course of the last. The vindication of the TRUTH was my great object.—That was the reason why I complained to the Synod and to the General Assembly. When the Assembly dismissed the case, I conceived my duty to be done. But on more mature reflection, I have indulged a hope that this exposure, (necessary for truth's sake, and for my own sake,) may lead the highest appellate court of the church, in future, to agree with the wise King of Israel, in the sentiment, (and to act accordingly,) that "*He that answereth a matter before he heareth it; it is a folly*

and a shame unto him." I also hope, by this exposition, that those under whose "review" the whole case came, at least twice, may in a like case, hereafter, not be prevented, on account of "delicate concerns," from "remarking upon it in any shape," when the interests of truth are at stake, lest Isaiah should fix upon them the same character that he gave to the "watchmen" of Israel: "*They are all dumb dogs; they cannot bark.*" "*They all look to their own way, every one for his gain from his quarter.*" I hope, furthermore, that all our ecclesiastical courts, may learn from the history of this case, that the SACRIFICE OF PURITY, for the *preservation of PEACE*, is but "daubing the walls of Zion with untempered mortar."

The reasons which have prompted this publication, may be summed up, then, as follows: It was demanded,—

1. *For self-defence*, against the representation that I was "satisfied" with the dismissal, by the General Assembly, without securing action, of a case of such importance. The charge that I *approved* of such a proceeding, I consider to be one of the most serious that could be brought against me, as a lover of truth—to say nothing of the opinion of one, at least, that I should have committed a "felony," in so doing.

2. *For self-defence*, against the charge that I have wantonly persevered in persecuting the innocent, by dragging him before the highest court in the church; and thus, not only injuring him, but troubling all Israel, for no sufficient cause.

3. *For the vindication of truth*, which has been sacrificed to a spurious and hollow peace, by the tribunals of the church. The attentive reader will find this point fully sustained in the following pages.

4. *For the instruction of certain great men*, who, it is hoped, may learn from the history of this case, to be cautious in future, how they exert the great talents, and extended influence, and unquestioned piety, with which they are endowed, in disposing of important cases, without adjudication.

5. *For the benefit of ecclesiastical courts*, of all grades—but especially Synods and General Assemblies—that they may learn, that the best way to dispose of a bad case, is to investigate and decide upon it, rather than to dismiss it; and that they may not in future apply nor prescribe a plaster, where a probe is needed.

If those persons who have approved of the Assembly's decision, and who think the case ought to "rest" there, and who may perhaps think, or have thought, that I have been a wanton troubler of Israel in carrying the case before the higher courts of the church, will carefully read the following pages, they may find reason to change their opinion. Facts are herein set forth, (some of them for the first time,) of an important and startling character, of which many persons who approve of the present disposition of the case are entirely ignorant. When they come to be known and weighed, many of these persons, I am confident, will be surprised at the course of our ecclesiastical courts, and will, I trust, readily admit that I have had sufficient ground to constrain me to take the course I have pursued. I therefore commend these pages to the serious consideration of all who desire to see truth vindicated and righteousness established.

LAUREL GROVE, (Toler P. O.) Miss., December, 1847.

## BRIEF HISTORY, &c.

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THE case, of which this pamphlet proposes to give a brief history, has excited much public attention. This was natural, from many circumstances which need not here be detailed. It has been carried through the several ecclesiastical courts, from the lowest which could take cognizance of it, to the highest, viz: the late Presbytery of New Orleans, the Presbytery of Louisiana, the Synod of Mississippi, and the General Assembly. Though it was brought before these several judicatories at different stages of its progress, but one of them, (the Presbytery of Louisiana) rendered a decision on its merits; and even that decision, though covering all the points which were before that body at the time, does not include several other grave matters that were before the Synod, and that were made the subject of formal complaint to the General Assembly. Upon these, no investigation has been had, and no decision rendered.

The case having at length been "terminated" by the Assembly, it may be proper to give to the public a concise history of the more important matters embraced in it. This is rendered the more necessary, as there is abroad in the public mind, to some extent, a gross misapprehension of its merits, a total ignorance of many of its facts, and much injurious misrepresentation of some of the persons who have been concerned in its investigation. Even good men, through ignorance or prejudice, have been found to entertain very erroneous views and feelings concerning the case, of which it may be wise to attempt the correction.

Having been alone concerned in carrying it up, by complaint, from the Presbytery of Louisiana to the Synod, and from the Synod to the General Assembly, the duty may perhaps appropriately devolve on me, of giving its history. I have waited for several months since the rising of the Assembly, that time might be allowed for all wrong feelings to subside, in order that the principal facts involved might receive that calm and unprejudiced consideration to which their importance entitles them.

I shall begin the history of the case, with its ecclesiastical inception; though it may be necessary briefly to advert to some of those circumstances which preceded, and which occasioned, the action of the ecclesiastical tribunals.



Before proceeding, however, to the history, two preliminary remarks are necessary: the one, to give some intimation of my design; the other, to correct a very wide-spread error.

The intimation is this: The case of Dr. Scott embraces several distinct charges and specifications. He is charged with "falsehood," with "unchristian and unclerical conduct," with "equivocation," with "improper spirit," and with having "preached sentiments contrary to the constitution of the Presbyterian Church," &c. I shall confine myself, so far as an examination of these different points may be demanded, to the charge of "*falsehood*," with its necessary adjuncts and circumstances. This was the main point under trial, and that which was generally deemed of the most vital consequence. The others were, for the most part, only collaterally related to this. There can be no impropriety in this restriction, as the entire proceedings in the trial before the Presbytery of Louisiana have been published officially, and all who desire it may have access to the testimony and decision on every point involved.

The error which needs correction is this: The idea is very prevalent, that this case is, substantially, a political controversy, in some shape; that its merits are somehow involved in principles, or relate to parties, respecting which the country is or has been divided.\* This is a total mistake. The chief matter submitted to the ecclesiastical courts, involved a simple question of veracity. The point to be determined was, whether the accused had made a certain statement with which he was charged—the uttering of which he had subsequently denied. It is true, the statement alleged to have been made, related to a public man, then before the people as a candidate for the Presidency of the United States. But the question submitted on this the main point, was one of pure veracity, having no more to do with the politics or political men of our country, than with those of Japan.

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\* What is very likely to give greater currency to this error, is the recent statement of that very respectable quarterly, the *Biblical Repertory*. In its general review of the proceedings of the last General Assembly, under the head, "Case of the Rev. Dr. Scott," the Repertory says: "This case came before the Assembly in the form of a complaint, by the Rev. James Smylie, against a decision of the Presbytery of Louisiana, acquitting the Rev. Dr. Scott of certain charges affecting his moral and ministerial character, and growing, we believe, out of *some political controversy*, the merits of which did not appear." It is not, indeed, stated here, in direct terms, that this case is involved in a "political controversy," or that it was evolved from one, though the writer states his *belief* of this, and thus sanctions a very prevalent and unjust impression, that the case is a mere political affair. Coming from the Repertory, this will be taken, in some quarters, as beyond the suspicion of mistake. The writer, moreover, does not state it as a mere opinion, but by the phraseology "*we believe*," the idea is conveyed that his belief is the result of *testimony* of some kind. I would respectfully ask the Repertory for its authority on this point. Besides, it is stated: "the merits of which did not appear." If it is meant by this that the merits of the supposed "political controversy" "did not appear" in my complaint, it is true; for there were no such merits in any way pertaining to the case. But if it is meant that the real merits of the case *on trial* "did not appear," it is totally incorrect. They were fully set forth in my complaint, as may be seen from the complaint itself, presented in this pamphlet.



We are now ready to begin the history. The truth of every item in this sketch is proved by official documents, which have been carefully examined, or can be substantiated by unimpeachable testimony.

MEMORIAL PRESENTED TO THE PRESBYTERY OF NEW-ORLEANS.

On the 7th day of July, 1845, a written memorial, signed by five gentlemen, all of them at that time members in good standing and full communion of the church of which Dr. Scott was pastor, was addressed to and laid before the Presbytery of New Orleans, then in session by adjournment, from the regular semi-annual meeting. This memorial has been published, and need not be repeated here. It prayed the Presbytery to investigate certain charges, then more or less current in the public mind, through newspaper publications, and otherwise, injuring, as those gentlemen believed, the moral character and ministerial standing of their pastor; and "matters which," they say, "in our opinion, are calculated seriously to affect the interests of religion in our city." After stating the main charge current in public rumor, (above alluded to, involving "falsehood") the gentlemen state: "We cannot undertake to say what the truth is, but leave it with you for full investigation." The memorial then refers to certain correspondence and cards of Dr. Scott, growing out of these rumors, some part of which had then been printed, which these gentlemen thought likewise required investigation. They also called attention to that discourse, in which Dr. Scott was said to have preached sentiments contrary to the constitution of the Presbyterian Church. At the conclusion, the gentlemen say: "We present this memorial with pain, but under a solemn sense of duty, our object being to promote the interests of truth and religion, and also to afford Dr. Scott a full opportunity to justify himself, and establish his innocence in the premises, and thus humbly aid in removing those causes from which they have been and still are greatly suffering."

The presentation of this memorial was the first step in this case toward ecclesiastical action. The memorialists appeared before the Presbytery, by their paper, not as accusers or prosecutors, but simply as informants, bringing to the notice of the proper ecclesiastical body, in a tangible form, the current rumors against their pastor, and respectfully asking an investigation.

REASONS FOR PRESENTING THE MEMORIAL.

Although this was the first step taken in this case before any ecclesiastical body, it may be necessary for the information of some readers, briefly to advert to some of the previous circumstances which led to this step, and to the precise character of the rumors embodied in this memorial.

From the early part of August, 1844, up to November of the same year, a charge or report against the Hon. Henry Clay, that he had been engaged in playing cards on the Sabbath, within two or three years previous, was extensively circulated through the country. It seems to have been particularly current in and about Nashville, Tenn., and Columbus, Miss., where Dr. Scott was given as

the man who had been understood to say he had seen Mr. Clay thus engaged. The Rev. James A. Lyon, of Columbus, the personal friend of Dr. Scott, affirmed that he had heard Dr. Scott so state; and Mr. L. also says, that "the very same report, substantially, reached this place, (Columbus) from Nashville, or its vicinity, representing Dr. Scott as its prime author."\* In August, (12th) Dr. Scott was written to by Mr. Jonathan Decherd, his friend, of Columbus, and inquiry was made into the truth of the report. Dr. Scott replied to Mr. Decherd's letter, Sept. 2d, but did not answer or make any allusion to what Mr. Decherd deemed the main point of inquiry, viz: relating to Mr. Clay's playing cards on the Sabbath. At this, Mr. D. was surprised. (*See his testimony, Trial, p. 48.*) In September, this report about Mr. Clay, Dr. Scott being given as authority, was published in the newspapers in Columbus. Copies were sent to Dr. Scott by Mr. Lyon, the receipt of which he acknowledged. He was also written to on the subject early in October, by Mr. Lyon, and further publications were made of the report. One card, published on the 3d of that month, by Mr. Lyon, purported to give a somewhat detailed and circumstantial statement of the story of the card playing, related by Dr. Scott to him, as Mr. Lyon understood the conversation; and in this card Mr. L. says, after giving the detail: "This is to the best of my recollection what I heard Mr. Scott *state more than once.*" The paper containing this card was sent to Dr. Scott, and its receipt acknowledged in a letter to Mr. Lyon of October 9th, 1844.

Mr. Decherd's letter of inquiry of August 12th, and the letters and publications of September and October, above referred to, each and all, contained this report; and in each and all, Dr. Scott was given as the witness to the transaction reported. In none of the letters, however, which Dr. Scott wrote to his friends in reply, did he deny the truth of the report, viz: that he had said he had seen Mr. Clay playing cards on the Sabbath. Neither did he in any of these letters (so far as is known to the public) declare or admit the truth of the report; while his silence on this point, (if silence there was) tended to confirm his friends in the belief that he had so stated.†

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\*For this statement, see Mr. Lyon's memorial to the Synod of Mississippi, 1846, at the end of this pamphlet. This document, singular and important, will receive further notice hereafter.

†"So far as is known to the public"—"if silence there was." Mr. Lyon, in his aforesaid memorial to the Synod, in 1846, says: "I have before me a letter in Dr. Scott's own hand writing, dated 9th October, 1844, New-Orleans, in which he acknowledges the reception of the 'Columbus Whig,' containing the aforesaid report, charges, abuse, &c., in which he expresses himself strongly against the abusive editors, and complains of the conduct of Mr. Decherd in showing his private letter, &c. &c.; but he does not intimate that he had been *misunderstood or misrepresented.*" These italics are Mr. Lyon's. This letter of October 9th, was not before known to the public. It has never been published. If Mr. Lyon has represented it correctly, it is clear that it contains *no denial* of the report. But whether it does not contain something more than the mere absence of denial—whether it does not contain the full and substantial *admission* that the report was true—that Dr. Scott *did* so state—would be better known if the letter were published. There has been so much concealment in this whole case, that men have become unwilling to believe that grave and dark things may not be still covered up. Let this letter of October 9th be given to the public, or to the proper ecclesiastical tribunal. Let the original, not a copy, be exhibited.

On the 23d of October, 1844, Dr. Scott and Mr. Lyon met at the Synod of Mississippi, and were together nearly a week, when the matters touching this report, the publications, &c., were talked over between them, in different conversations they then had;\* but in none of these conversations did Dr. Scott deny the truth of the report; while his silence confirmed Mr. Lyon in the belief that he had correctly related Dr. Scott's statement respecting Mr. Clay's playing cards on the Sabbath. While at Synod, Dr. Scott wrote again to Mr. Decherd touching these matters, and sent by Mr. Lyon, but made no denial of the said report. (*See Decherd's testimony, Trial, p. 48.*)

During the attendance of Dr. Scott and Mr. Lyon at the Synod, two gentlemen of Columbus, Miss., received a letter from Mr. Clay, (in reply to one they had written him,) denying the charge that he had ever been engaged in playing cards on the Sabbath as said to have been stated by Dr. Scott. Mr. Clay's letter was sent by the "Clay Club" of Columbus, to a similar association in New Orleans, with the request that gentlemen in the latter place would show it to Dr. Scott. Two gentlemen of the highest respectability, CHRISTIAN ROSELIOUS and SAMUEL J. PETERS, Esqrs., called in person on Dr. Scott, on the 2d of Nov., 1844, and read to him Mr. Clay's letter, which they had received on the previous day. During a conversation with these gentlemen, Dr. Scott denied to them that he had ever seen Mr. Clay playing cards on the Sabbath; and denied that he had ever stated that he had seen him thus engaged on the Sabbath; and affirmed that he had been misunderstood, &c., by Mr. Lyon.

This was the first denial which Dr. Scott had made of this report, notwithstanding the repeated letters, publications, inquiries, and personal opportunities, which had been afforded him on the subject, extending through a period of nearly three months.

The reader will at once perceive, that here arose a direct and grave question of veracity, in which Dr. Scott was involved. It had been repeatedly and extensively reported and published, as coming from Mr. Lyon and others, (and finally published by Mr. Lyon himself,) that Dr. Scott had said that he had seen Mr. Clay playing cards on the Sabbath. Dr. Scott now, however, after months of silence on the point, under circumstances well calculated to give the report general credence as having emanated from him, for the first time denied that he had ever so stated. This, let it be remembered, was one of the main questions of veracity upon which a trial before the Presbytery was subsequently instituted. The question was not, whether Mr. Clay had ever played cards on the Sabbath; nor whether Dr. Scott or any one else had ever seen him thus engaged; but whether Dr. Scott had ever *said* he had seen Mr. Clay thus engaged; whether he had formerly *said* what he now *denied*. This was the issue. It is so simple that it need not be confounded with any other matter.

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\* Mr. Lyon, in his said memorial, speaking of this interview at the Synod between himself and Dr. Scott, says: "The subject was again introduced." "We conversed two or three times on this subject," &c. This agrees with the testimony of Mr. Franklin, (*Trial, p. 137.*) where Dr. Scott admitted to him substantially that he had two or three conversations on this subject with Mr. Lyon while at Synod.



During the month of Nov., 1844, a correspondence was carried on between Dr. Scott and the two gentlemen who had read to him Mr. Clay's letter, in the course of which another question of veracity was raised. These gentlemen considered their "veracity impeached" by Dr. Scott, supposing him to have questioned the truth of the minutes which they had made and sent to him of the conversation which had taken place between them; and in consequence of this, they charged Dr. Scott with "duplicity of character, and entire disregard of truth," touching the matters in question between them. This latter question of veracity, is entirely distinct from the one above named, which long afterward came before the Presbytery, and must not be confounded with it. This question was not investigated by the Presbytery. After the interview and correspondence with Dr. Scott, these gentlemen replied to the "Clay Club" of Columbus, stating the result of their conference. Their letter was published in Columbus, and copied into the newspapers in New Orleans, in the early part of January, 1845; and it was in this letter that Dr. Scott was charged by these gentlemen with "duplicity," and "disregard of truth." Soon after this letter appeared in the New Orleans papers, (perhaps the same day,) a meeting of the Trustees and Elders of Dr. Scott's church and congregation was convened, at his request, to investigate this charge. They examined the correspondence between the gentlemen and Dr. Scott, (in which the proof of the charge was said to be contained,) and came to the decision, "that the charge of 'duplicity of character and entire disregard of truth,' was not sustained by these documents." The only investigation ever formally instituted upon *this* question of veracity, was by this body of Trustees and Elders. Their decision, with copies of the whole correspondence out of which the question had arisen, was published by them in the "New-Orleans Commercial Bulletin," on the 16th of January, 1845.

This investigation, (though chiefly confined to this charge of "duplicity," &c.) had a collateral bearing upon the *other* question of veracity, viz: the charge against Dr. Scott respecting the reported card playing of Mr. Clay, which the Presbytery afterwards investigated; inasmuch as the card in which the Trustees and Elders published their decision, contained the statement that Dr. Scott had "uniformly denied" to them, "whenever interrogated, that he had accused Mr. Clay of playing cards on the Sabbath." No evidence was given by the Trustees and Elders to show that the denial was true, though they say that "in all their examinations they have been unable to discover any reason to believe the contrary." They moreover say in this card: "Mr. Scott has also stated to them, that when informed of Mr. Lyon's erroneous report of his language on that point, (respecting Mr. Clay's card playing on the Sabbath,) which was not until about the 15th of October last, (1844,) he took immediate measures to correct it." On this point, these gentlemen seem to have been satisfied with Dr. Scott's simple affirmation, as they give his statement without alluding to any of the "immediate measures" supposed by them to have been taken. This of itself shows that this investigation was not conducted in that manner which was calculated to satisfy the public, and which was necessary to vindicate a clergyman's

character, when it was well known that the report in question had been permitted by him to go uncontradicted, for a long time, amid all the inquiries, letters, publications, and personal interviews of Dr. Scott with the very man who had given his name to the public as authority. This affirmation, therefore, of Dr. Scott to the Trustees and Elders, about "immediate measures," presented another question of veracity, upon which a charge was founded in the subsequent trial before the Presbytery.

Thus matters stood in January, 1845. The publications made by the Trustees and Elders were noticed extensively by the newspapers throughout the country. Comments were made severely reflecting upon Dr. Scott. Some charged him with "falsehood;" others with "retracting" what he had said about Mr. Clay. In the month of March, Dr. Scott deemed it necessary to notice some of these publications. He accordingly published cards over his own signature, in Lexington, Ky., Memphis, Tenn., and Washington, D. C., denying that he had ever "retracted, changed, or modified, at any time or in any way, a single word or syllable of any thing" that he had ever "said or written about Mr. Clay."—These cards, in the esteem of some of his congregation, only made matters worse, as they afterwards stated in their memorial to the Presbytery, and only served to show in their opinion a still greater need of an ecclesiastical inquiry into the whole affair.

It was also rumored soon after the publications made by the Trustees and Elders, that *several other persons* besides Mr. Lyon, had heard Dr. Scott make the same statement in regard to Mr. Clay's card playing on the Sabbath. This report, on Dr. Scott's alleged authority, had first come even to Columbus, (Mr. Lyon states,) from Nashville, Tenn. It had also been stated in Natchez, Miss., as early as August or September, 1844. (*See Mrs. Rainey's testimony, Trial, p. 56.*) In the spring of 1845, (as was rumored,) a member of the Presbytery of Louisiana circulated the same report, on Dr. Scott's authority, (stating that he believed that he had himself heard it from Dr. Scott,) by repeating it to several persons, viz: to three other members of the same Presbytery, to one ruling elder, and to several other highly respectable gentlemen who are members of the Presbyterian church, as *all* of them have frequently affirmed, and as (I am informed,) they have all made affidavit since the conclusion of the trial by the Presbytery. When these various persons saw Dr. Scott's *denial* of the statement about the card playing of Mr. Clay, published for the first time in January, 1845, it naturally created surprise. The palpable contradiction between his supposed affirmation to so many persons, and this late and long delayed denial, became a common theme of remark in some portions of the country, operating extensively, in the absence of any explanation, to the injury of Dr. Scott's standing, and through him to the injury of religion. The rumors that Dr. Scott had made the aforesaid affirmation were constantly increasing, carrying with them strong presumption of truth; sufficiently so to call loudly for judicial inquiry.



This was the state of affairs, when, on the 7th of July, 1845, as before stated, five gentlemen, members of Dr. Scott's church, sent a memorial to the Presbytery of New Orleans, praying an investigation into the aforesaid rumors.

Notwithstanding the newspaper publications from Maine to Louisiana, the severe charges, the thousand and one reports, the unsatisfactory position in which some of the grave points were left which had been published by the Trustees and Elders, and the fact that no ecclesiastical inquiry had been made, still no investigation by the Presbytery was sought by Dr. Scott. This caused surprise to many who had calmly watched the current of events.

PROCEEDINGS IN PRESBYTERY—THE MEMORIAL REJECTED BY DR. SCOTT'S  
CASTING VOTE.

Under these circumstances, the five gentlemen felt it to be their duty to bring the subject before the Presbytery in a formal manner. The questions of veracity presented in their memorial, (the only points to which attention is now directed,) were two, substantially as follows: 1st. That it was rumored that Dr. Scott had said to several persons that he had seen Mr. Clay playing cards on the Sabbath; and that long afterwards he had denied ever having so stated. 2nd. That Dr. Scott had stated to the Trustees and Elders of his congregation, that when informed of the above charge against Mr. Clay, circulating upon his authority, which was about the 15th of October, 1844, "he took immediate measures to correct it;" which measures, it was very commonly believed, he had not taken.

These were the main points involving falsehood. The memorial was presented and read, and referred to a committee of three. Two of this committee of Presbytery, including the chairman, had been of the elders of Dr. Scott's church, engaged in the investigation in the previous January, when the aforesaid denial of the report about Mr. Clay, and the affirmation about "immediate measures," were made. One of them was now an ordained minister. The other member of the committee was an elder of another church. This committee brought in a majority and a minority report on the memorial. The former was signed by the two who had been concerned in the examination before the Trustees and Elders. It recommended that the memorial be returned to the gentlemen who presented it, on the ground chiefly, that as they did not appear as "prosecutors," it could not be entertained "without violating the Book of Discipline." The minority report recommended, in consequence of the grave character of the rumors embodied in the memorial, though it did "not table any charges," and in consequence of the "limited number of members" of the Presbytery, there being then but four ministers and three elders accessible, including Dr. Scott, one minister being absent at the north, that the memorial should be "referred to the Synod of Mississippi, for their consideration and advice," and that the Synod should be requested to "take such measures" as they might "deem proper." The Synod stood adjourned to meet in Columbus, the residence of Mr. Lyon, who was regarded as an important witness in the case.

Both reports having been read and accepted, it was at first moved to adopt that of the minority. The Presbytery consisted of seven members present, Dr. Scott as Moderator in the chair. After discussion, the vote was taken and appeared a tie. The Moderator exercised his official prerogative; and "declining to vote, the question was lost." This decision was a refusal to send the memorial to the Synod "for advice," or "consideration," or investigation if they should "deem proper." The majority report then came up for adoption. The ayes and nays again revealed a tie, the names being reversed. On this question, "the Moderator gave the casting vote, and the question was decided in the affirmative." By this decision the memorial was "rejected," and "the stated clerk was directed to return" it to its authors. This decision was made on the 11th of July, 1845.

The history of the Presbyterian Church probably furnishes few parallels to the position which Dr. Scott occupied in this case—presiding over the body, (though objection was made at the time, see published complaint of the memorialists to Synod) which had been requested to institute an investigation into his own conduct, and giving the casting vote by which the respectful petition for such investigation was "rejected." This is all the more remarkable, as in his card "to the public" which accompanied the publication previously made by the Trustees and Elders, he had said: "I desire nothing but justice." "I desire the fullest investigation and closest scrutiny of this whole matter." Here was an investigation prayed for by his own church members; and what had he to expect but "justice" at the hands of his brethren?

Soon after this action of the Presbytery, the memorialists gave official notice that they should complain of this decision to the Synod, which was to meet in October.

As was very natural, the course of Dr. Scott in rejecting the memorial, caused much talk and produced some excitement in the community. Some expressed indignation at his presiding and vote, while few were bold enough openly to defend it.

#### SPECIAL MEETING OF PRESBYTERY IN AUGUST.

From some cause, Dr. Scott issued a circular, as Moderator, (notwithstanding the above decision,) dated 26th July, convening the Presbytery in special session, on the 5th of August, to institute the very investigation for which the memorialists had petitioned. He had said in defence of his casting vote, at the time, (see his letter to the memorialists, afterwards published,) that he "was obliged to sustain our Book of Church Government," that he "might be sacrificed, but the constitution of the church must be preserved;" and in the same letter, that the memorial was "rejected on account of its irregularity," the memorialists not appearing as "prosecutors," &c. But soon afterward, it appears, the Presbytery was called together by Dr. Scott's request and circular, although these gentlemen did *not* appear as prosecutors, "to consider, act upon, and investigate, in whatever way, and to whatever extent, in whole or in part, as the Presbytery may see fit, the rumors or charges contained in the late memorial," &c.

On the 5th of August the Presbytery assembled, and soon adjourned to the 12th. Dr. Scott now vacated the chair, and a new Moderator was elected. He also presented a petition, in writing, that the Presbytery would investigate the rumors or charges before referred to, "contained in" the aforesaid memorial.—As the memorial had been dismissed by the Presbytery, and legal notice given by its authors that it would be carried up to the Synod by complaint, some members thought that the case was no longer within the jurisdiction of the Presbytery; and that the Presbytery could not proceed with the investigation, unless the complaint were waived, and the memorial again presented. The memorialists were waited on, but declined to waive their complaint, because in their opinion the Presbytery, as then "constituted, could not, in any action it might take on the subject, do justice, either to Dr. Scott, to themselves, to the church, or the community." They gave their reasons for this opinion, at length, in a letter to the Presbytery. Dr. Scott's request was now called up, and a motion passed to grant it, with two dissenting votes, four voting in the affirmative. The minority gave notice of complaint to the Synod, believing that the Presbytery had no jurisdiction in the premises. At length, in order to promote harmony of views, it was agreed that the Presbytery should finally adjourn, that another *pro re nata* meeting might be called for investigation, under such circumstances that the legal objections urged by some members might be avoided. Dr. Scott's papers were thereupon returned to him; the minority of Presbytery, who had given notice of complaint to Synod, withdrew their notice; and the following minute was unanimously adopted:—"Whereas, this Presbytery has proceeded as far as it can in the business for which it has been called, the memorial referred to in the circular of the Moderator not being in the possession of this body, therefore, *Resolved*, That we now adjourn *sine die*." Thus ended the special meeting in August.

#### SPECIAL MEETING OF PRESBYTERY IN SEPTEMBER.

The Moderator immediately issued his circular, and the Presbytery met on the 1st of September. A committee of investigation was appointed, who called upon the gentlemen who had presented the memorial in July, and obtained from them another paper, embodying the substance of the rumors against Dr. Scott, with the names of witnesses, reference to documents, &c. Those gentlemen retained their original memorial, and still adhered to their determination to carry it to Synod by complaint, in order that the principles involved in its rejection might be determined by the higher court. From the paper obtained, however, the committee prepared charges and specifications; and the case was taken up "on the ground of general rumor and common fame," and a committee of prosecution was appointed. Citations were issued to the accused and such witnesses as were accessible, to appear on the 29th Sept., when it was expected the trial would commence. The Presbytery then adjourned to the 22d.

It should here be stated, that during the special meeting of the Presbytery in August, one of its ministerial members had died, leaving but four ministers in all; and owing to the want of a quorum present in the session of one church, there



were but two elders in the Presbytery ; making six members in all in the body. One minister was Moderator, two others had been appointed a committee of prosecution, the only remaining one was the accused ; while but the two elders and the Moderator were left to adjudicate the whole case. When, therefore, the Presbytery met on the 22d of Sept., some members thought it advisable to refer the case to Synod, which would meet in less than a month from the time fixed for trial. A resolution for such reference was introduced and finally passed, by a vote of three to two. The minority, (the accused and his elder,) gave notice of protest and complaint.

The Presbytery met on the 29th, the time previously fixed for trial, but as the case had been referred, the witnesses who were present were informed that they were "relieved from the citations" till after the action of Synod. The Presbytery was also in session on the 6th, 9th, and 10th Oct., but it appears from the minutes, that little else was done at these sessions, than to receive the protests against the reference of the case to Synod, and the answer to those protests. On the 10th Oct., this *pro re nata* meeting adjourned *sine die*.

#### PROCEEDINGS BEFORE THE SYNOD OF 1845.

The Synod of Mississippi assembled at Columbus, Miss., on the 22d day of October, 1845. The case of Dr. Scott, by reference from the Presbytery of New Orleans, (and the original memorial, complaint, &c., of the five gentlemen,) came before the body in due form. The Synod, with great unanimity, decided that the complaint against the rejection of the memorial should "be sustained, so far as to say that the Presbytery should have ordered an investigation" of the rumors which the memorial embodied. This was a triumphant vindication of the rights for which these gentlemen had contended, and a highly satisfactory approval of their course in presenting the said memorial. The Synod, also, by the same vote, sustained the reference of the case of Dr. Scott, viz :—by dissolving the Presbytery of New Orleans and reuniting it to the Presbytery of Louisiana, and transferring the case to the Presbytery of Louisiana thus constituted, and directing that body "to meet immediately," and "to take up and dispose of the case without delay."

#### PROCEEDINGS BEFORE THE PRESBYTERY OF LOUISIANA.

The Presbytery of Louisiana met at Columbus on the 24th Oct., 1845, by order of the Synod, to "dispose of the case." A committee of investigation, after due examination of the papers, presented the same charges and specifications which had been preferred by the Presbytery of New Orleans. The same persons were appointed a committee of prosecution who had been chosen as such in that Presbytery.

On the 28th October, the trial commenced. The Moderator having made the usual announcement required in judicial cases, the charges and specifications were read to Dr. Scott ; and "to all of the charges and specifications he pleaded *not guilty*."

As the entire proceedings in this trial have been published by order of the Presbytery, it is unnecessary to repeat the charges or collate the testimony here.



The main points involving the direct charge of "falsehood" (now under consideration,) and the circumstances of the case, have already been stated in this pamphlet; so that, the reader who has not seen the published trial, may gather from the present publication, a sufficiently intelligible view of the principal issue pending. Suffice it to repeat here, that the main points under the charge of "falsehood," were substantially,—1st. *That Dr. Scott had said he had seen Hon. Henry Clay playing cards on the Sabbath; and that afterwards he had denied that he had ever so stated.* 2d. *That Dr. Scott had said that when informed of Mr. Lyon's "erroneous" report of his language on that point, which was not until about the 15th Oct., 1844, he "TOOK IMMEDIATE MEASURES TO CORRECT IT;" which measures, it was believed he had not taken.*

After a session of the Presbytery, in taking testimony, for a few days in Columbus, another of some three weeks in New Orleans, and a final session of a week in Baton Rouge, the court on the 10th January, 1846, gave a verdict on all the charges and specifications of "not guilty;" with the exception of myself, who voted "guilty" on both the above points involving "falsehood," and on charge third, alleging "improper spirit," &c.; and with the exception of another member, who voted "guilty" on the point respecting "immediate measures," &c. From this decision I dissented, and complained to the Synod of Mississippi.

I have thus given a rapid sketch of the principal facts embraced in the ecclesiastical history of this case, from its commencement to the verdict rendered by the Presbytery of Louisiana. I believe I have given them impartially and correctly. The facts have been obtained from the official minutes and other documents of the several judicatories mentioned, and from the authentic correspondence between Dr. Scott and other gentlemen, &c. &c. For the most part, the correspondence and documents referred to, have already appeared in print in some form.

#### OTHER FACTS WORTHY OF CONSIDERATION, RELATING TO THE TESTIMONY, &c.

Before pursuing the history of this case to the Synod of 1846, and the General Assembly of 1847, it may be well to call the reader's attention to a few other facts which occurred during its progress before the Presbytery of Louisiana. Some of these facts do not appear in the published trial, though they have an important bearing on the merits of the case; and some which do there appear, might not be observed by some readers of the trial, so voluminous are the documents and testimony published.

1. The attentive reader of the trial may have perceived how much effort and time were spent by the counsel for the defence, to draw forth from witnesses, the opinions of the Trustees and Elders and Dr. Scott's statements to them, relating to their investigation in January, 1845. But it was, in truth, perfectly immaterial to the case in hand, what were the opinions then entertained or expressed by them, or to what results that investigation arrived. It was wholly unofficial and informal, (ecclesiastically considered,) and their opinions or decision could not justly govern or weigh a feather with the action of a judicially

constituted ecclesiastical body, who were bound to search for facts and evidence, and not to receive the mere opinions of those gentlemen, or the naked statements of the accused. This was especially so, as the great points at issue before the two bodies, were, for the most part, totally different. The Presbytery were called to investigate whether Dr. Scott had made a certain statement to Mr. Lyon and others, about Mr. Clay's reported card playing on the Sabbath. "Before the Trustees and Elders," says the testimony of Mr. Lea, (then a Trustee) "the investigation was had merely upon the question, whether certain correspondence had between Dr. Scott and Messrs. Peters and Roselius, convicted him of an entire disregard of truth. No attempt at a general investigation, beyond that, was made, I believe." (*Trial*, p. 84.) The questions at issue, therefore, in the investigations before the two bodies, being entirely different, it was foreign from the object of the Presbytery to call up the particulars of the former unofficial investigation. But it was permitted, as an indulgence to the accused; though the fact that so much foreign matter was thus introduced into the case, has served to obscure the main points in the minds of many readers, and to swell out the testimony to an intolerable length.

2. Much of the examination for the defence, touching the matters last named, was an effort to draw out the statements of the accused made to the Trustees and Elders, and to give them the whole force of testimony. (*See the testimony of the Trustees and Elders, passim.*)\*

3. But what is more remarkable still, respecting these statements of the accused, is the fact that the Presbytery, in giving their reasons for the decision, yield to them the full force of direct testimony; and in some cases, these naked statements of the accused, detailed to the court through witnesses, are taken as sufficient proof of important points, while in some instances, documents in evidence, and public corroborating circumstances known to the court, and even the direct testimony of credible witnesses, all go to prove the contrary of those statements.† If a court may thus be allowed to receive the statements of an accused person in his own defence, as testimony—and especially, if his statements may set aside documentary and parole testimony of the most direct character—why not let the accused at once rise in court, and without the medium of the memory of witnesses, make those statements with his own lips?

4. Not only did the court thus permit the affirmative statements of the accused, (detailed by witnesses) to set aside direct testimony, but they also permitted his denial (made known by witnesses) of certain allegations, and especially his long-delayed denial of the main charge against himself, to outweigh testimony,

\*In some instances, as will be seen in the sequel, this effort was peculiarly unfortunate to the accused. At the time, however, these statements seemed to favor his cause, on trial. But since the trial, it appears, though not then known, that palpable contradictions exist between some of these statements and other facts since developed, as will be hereafter shown in this pamphlet, on examination of Mr. Lyon's memorial to the Synod of 1846.

†Illustrations of the truth of this will be found on a subsequent page, in the notes on my complaint, &c.

which, without the influence of such denial, was of the most direct and positive character. If this be just, why not let the original plea of "not guilty" cover all the points of the case which the aforesaid affirmative statements did not reach? The court would then be entirely relieved from the useless appendage of witnesses and documentary testimony.

The foregoing points only call attention to plain facts which may be discovered on a careful perusal of the trial. There are others which have an important bearing, and deserve notice, which have never been published.

5. That efforts were made to prevent certain witnesses for the prosecution from giving testimony on the main charge of falsehood, was proven on the trial. It may not be known to the public, however, that the actor was a ruling elder; nor that this was the man whom, without any appointment by the session, a strenuous effort was made, (on the motion of the accused,) on two successive days, to introduce into the Presbytery as a judge in the case. The effort to give him a seat as a judge, met with two signal defeats; though he was afterwards introduced as a witness for the defence.

6. There is one admonition in the "Book of Discipline" to which the court did not give due attention. In the chapter "Of Witnesses," it is said: "Judicators ought to be very careful and impartial in receiving testimony. All persons are not competent as witnesses; and all who are competent are not credible." Again it is stated that the "credibility of a witness, or the degree of credit due to his testimony, may be affected" by a variety of circumstances, favorable as well as prejudicial, to the interests of the party on trial, "to which judicators shall carefully attend, and for which *they shall make all proper allowance in their decision.*" Now it is notorious among all the members of the court, and well known to many other persons, that several of the witnesses in this case, as Messrs. Lyon, Ford, and others, manifested a strong leaning to the side of the accused, so as to divest their testimony, in a great measure, of impartiality. The proof of this, is found in Mr. Lyon's reluctance to answer certain questions, and in his declining to produce certain letters, (*see Trial, p. 33*)—in Mr. Ford's objecting to have a certain letter he had written, relating to this case, even read to the court, (*see Trial, p. 66*), as well as in his denying, in his testimony, what several members of the court affirmed at the time they had heard him declare, and of which they have since made affidavit, as I have been informed; and in the readiness with which several of the witnesses permitted the bare and long-delayed denial of Dr. Scott to set aside what they had frequently and publicly stated as having been related by him to them. Yet, in view of all these well known facts, touching the marked partiality of the witnesses toward the accused, the court did not make *any*, much less "*all proper allowance in their decision,*" as plainly demanded by the Book of Discipline. The truth of this may be seen at a glance, by comparing their "reasons for the decision" (*Trial, p. 271 et seq.*) with the testimony above referred to. The failure of the court, in this respect, to give heed to the law laid down for their guidance, while they on the other



hand admitted the bare statements of the accused as testimony, shows that the Book of Discipline was directly violated ; which furnished another strong and just ground for my complaint against their decision.

7. One or two other facts may be noticed. During the sitting of the court in New Orleans, the body was subjected to such annoyances from public feeling manifested by spectators assembled, who claimed to be the special friends of the accused ; such opprobrious language was used respecting certain members of the court ; the Presbytery itself was denounced as an "Inquisition;" and so palpable was the effort to force the members to adopt views already framed for them, that, as soon as the testimony was taken, the Presbytery resolved to adjourn to another place, where they might deliberate and make up their verdict unmolested. To the resolution for adjournment, (the preamble alluding to the above facts,) strong opposition was made by the accused and his counsel ; and finally, notices of protest and complaint against the adjournment were entered.

8. It may be well to know, that after the trial was concluded, although the Presbytery, without a dissenting vote, (the accused and his counsel having left,) resolved to publish the trial, and appointed a committee for that purpose, yet strong opposition to the publication was made by the accused and elders of his church, notwithstanding the accused had repeatedly said, during the progress of the trial, that he desired and was determined to have the whole proceedings published when the case should be ended. So great were the exertions made against it, that several members of the Presbytery who had voted for publication, believing at the time that the accused desired it, changed their views, and would have prevented the publication if possible. Even an "injunction" was spoken of by one member ; and it was said, that had a majority of the committee not agreed, finally, to go on with it, application for an injunction would probably have been made. The order to publish was regarded by a part of the committee as imperative, and the committee as having only executive, and not discretionary power : so the trial was published.

This point may have an importance from the fact, that Mr. Lyon stated to some persons after he had seen the trial in print, as I have been assured, that he could understand why the opposition to publishing arose. Besides other reasons, the published testimony (or statements of Dr. Scott) enabled him to see points of a startling character. Some of these he has developed in his said memorial to the Synod of 1846, and which were in part, perhaps, the occasion of its presentation.

#### MR. SMYLIE'S COMPLAINT TO SYNOD, 1846.

The Presbytery rendered their verdict in the case, and assigned their reasons at length, in January, 1846. From their decision, and from their reasons for it, I felt bound to dissent and complain. My complaint could not come before the Synod till its meeting in the following October. From indispensable engagements, I was unable to attend that meeting. I sent my complaint up, however, relying upon the courtesy and wisdom of my brethren to give it due attention. I was surprised to learn that it was dismissed, and returned to me, without any action



upon its merits, and without its being even read to the Synod. Had it been duly considered and a direct decision rendered upon it, either to sustain or not to sustain it, I should have been content there to let the case rest forever. I had not then the remotest intention to carry the case any farther. But as the Synod returned the complaint to me, recommending me to withdraw it, or if I could not consistently withdraw it, giving me permission to carry it to the General Assembly, if I should "deem it important," I decided upon the latter course, and it was carried up to the Assembly of 1847.

It will be necessary, in order to give a full history of the case from this point, to publish my complaint. The Synod pronounced it "in some respects informal." They did not, however, in the minute adopted, point out in what the informality consisted; but as they had given their consent to its prosecution before the Assembly, it seemed natural to infer that the Synod would permit a modification, so that, if informal, that barrier might not prevent the action of the Assembly. The complaint was accordingly modified; and I deem it proper to present it here in the form in which it came before the Assembly.

I felt constrained, also, to enter a complaint to the Assembly against the Synod, for not meeting and disposing of the case upon its merits. The reasons (or reason) which the Synod gave for not acting, seem utterly untenable. The only one stated in their minutes, (except informality,) will be found noticed in the complaint itself against the Synod. The "informality" alleged, as I have learned from those present, was of too trivial a nature to warrant inaction upon matters of such grave importance.

But what, in my judgment, rendered action on the part of the Synod all the more imperative, and what greatly strengthened my determination to carry the case up to the Assembly, was the astounding developments which were made before the Synod, in a memorial read to that body by the Rev. James A. Lyon, a principal witness in the case—developments which revealed darker features, if possible, than any which had hitherto been exhibited in this case; at least, revelations of such a nature, opening other questions of veracity, and *closing* them too, that in the esteem of members of the Synod, it would be impossible for the accused to make his escape. The points developed in Mr. Lyon's memorial referred to, are *new* points, involving new issues, which were not embraced in the case tried, (though now seen to be intimately connected with it,) and which have never been adjudicated by any tribunal. Such is the nature of some of these disclosures, that members of the Presbytery have been known to affirm, that had they been aware of the facts at the time of trial, they would have been obliged to change their votes to "*guilty*," on some of the points involving the charge of falsehood. Why the Synod, in view of these new developments, did not at once direct the Presbytery of Louisiana to take cognizance of the matter and review the case, does not appear from any official action of the body; and, in my humble judgment, it will be difficult for that body to justify itself before an enlightened public.

I will now present my complaints which were made against the Presbytery and Synod, as they came before the General Assembly; and will then make such com-

ments as the facts may seem to demand. My original complaint made against the Presbytery to the Synod, and the modified one which follows, as well as my complaint against the Synod, were all laid before the Assembly.

### COMPLAINT

*Of the Rev. James Smylie against the decision of the Presbytery of Louisiana, in the case of the Presbytery of Louisiana, versus the Rev. W. A. Scott, D. D.; made to the Synod of Mississippi, and permitted and recommended by that body, to be carried directly to the General Assembly, as will appear from the following copy of the preamble and resolution of Synod, Oct. 31st, 1846, viz: "In some respects the said complaint is informal; and as some of the difficulties connected with the trial of Dr. Scott have been amicably settled, which would probably influence the complainant to withdraw his complaint—*

*"Resolved, That it be recommended to the complainant to withdraw his complaint, if consistent with his sense of duty; if not, and he should deem it important to prosecute his complaint, that it be recommended to him to carry it directly to the General Assembly of our church, and he hereby has leave to do so."*

*To the Moderator of the General Assembly of the Presbyterian Church in the United States of America, to convene at the city of Richmond, Virginia, on the 3d Thursday in May, 1847:*

REV. AND DEAR SIR:—The undersigned, being a minority of the Presbytery of Louisiana, complained of the late decision of that body, in the case named above, to the Synod of Mississippi. The said Synod gave him permission, on the proviso that he deemed it important, and recommended the complainant to carry the case directly to the General Assembly: so that the Synod have predicated the privilege of carrying the complaint up to this Assembly directly, *on the complainant's idea of its importance.* The complainant would here remark, that it has never been his disposition to trouble any individual, much less an ecclesiastical body, whose time is precious, with what he deemed of but little importance. The case which he now brings before you, he deems of such importance to the interests of religion, that it involves the character of his Presbytery and of Presbyterianism in the great city of New Orleans, and within the bounds of the Synod of Mississippi.

As the Synod deemed the complaint, in some respects, (not specified,) to be "informal," and as your complainant was not present at Synod, he is left fairly and necessarily to infer that the Synod would permit a modification of the complaint, so that if really "informal" as presented to the Synod, that objection to its consideration might not impede the action of the General Assembly upon it. The said complaint is therefore now presented to the reverend body over which

you preside, in a modified form. The undersigned is prepared, however, to show the original complaint.

Inasmuch as the decision complained of, and all the testimony and documents relating to the case, are printed, and are herewith laid before the Assembly for reference, it will not be necessary, in this complaint, to enter into any detailed history of the case, relative to the charges, testimony, decision, reasons of the court, &c. The undersigned, therefore, proceeds directly to the subject matter of the complaint.

#### COMPLAINT, &c.

I. The undersigned complains of the *decision* in the aforesaid case, upon *Charge the First* and accompanying specifications, for the following reasons—

1st. The court did not admit the force due to the *direct* testimony of two witnesses, (the Rev. James A. Lyon and Mrs. James (Catherine) Rainey,) that they *had heard* the accused make the statement with which he was charged, constituting (if true) falsehood, because the witnesses stated, that they afterward thought they were mistaken in what they heard the accused say, as the accused had denied it. Thus the court permitted the impression, subsequently made by the denial of the accused alone, to outweigh the otherwise direct and positive testimony of the witnesses. (*See printed Trial, pp. 273,—28, ans. to q. 15, and p. 61, ans. to q. 28.*)

2d. The court say that “some of them placed no reliance on the testimony of Mr. Lyon, on account of its inaccuracy and inconsistency.” The court, however, do not pretend that Mr. Lyon is inaccurate as to the main point of the charge to which his testimony relates, but only as regards some minor matters, as places, dates, &c. His testimony is positive to the main fact, that he *heard* the accused state as charged; and in no part of his testimony does he recall the fact, that he so heard Dr. Scott say, &c. (*See Trial, pp. 273—274, and Mr. Lyon’s Testimony.*)

3d. The court acquit the accused of the charge of falsehood, in stating that he took “immediate measures” to correct an alleged “erroneous report,” which report embodied the main charge in the case; while there was not a particle of evidence adduced to show that he did take such measures, or any measures, except from the naked statement of the accused himself, (which was no evidence,) and even *he* did not specify what the measures were. On the contrary, two witnesses, (Jonathan Decherd, Esq., and Rev. James A. Lyon,) the only persons who were known to have inquired of the accused respecting the truth of the said report, positively testify, that the accused never made the correction to them, until the time limited in the indictment; and it was also well known to the court, from documents in evidence, which had been published in the newspapers at the time the report was in circulation, that no correction had been made, previous to the time required by the presentment. The court, therefore, on this point, (two members dissenting,) decided directly *against* the only evidence in the case, by



permitting the naked statements of the accused to outweigh the positive and unequivocal testimony of two witnesses, and the notorious facts furnished by the published documents which were in evidence. (*See Trial*, pp. 274, 275; also *the Testimony of Messrs. Lyon, Decherd, Lea, &c.*)\*

II. The undersigned complains of the decision upon *Charge the Third* and accompanying specifications, for the following reasons:—

1st. While the court vote “not guilty” on this whole charge, they, in their reasons for the decision, “except so much of this charge as accuses him (the accused) of *improper spirit*,” “*strongly and decidedly condemning it*.” The court thus after acquitting the accused *by vote*, virtually declare him *guilty* in

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\* The only thing which bears any resemblance to a “measure,” taken to correct the said report, and the only thing to which the court refer in their “reasons for the decision” on this point, is the note which Dr. Scott wrote Mr. Decherd from the Synod of 1844, (sent by Mr. Lyon) requesting Mr. Decherd to *publish* Dr. Scott’s letter to him of Sept. 2; or hand it to Mr. Lyon for publication, if deemed necessary to correct the said report. Mr. Decherd testifies that the note written at Synod contained no correction of it. Nor does the letter directed to be published, (the publication or exhibition of which was the “measure” referred to by the court,) contain any correction!—and for that reason, probably, Mr. Decherd did not publish it, neither did Mr. Lyon—it contained no correction. (This letter is published with the Trial.) So, this was indeed a very singular “measure,” “immediate” or otherwise, to correct that report! And yet, the court, in their “reasons” (*Trial*, p. 275,) rely upon the contents of this letter, as the great measure taken, justificatory of the accused in his statement to the Trustees and Elders, that he had taken “immediate measures to correct” this report. The court say, of this letter of Sept. 2d, 1844: “It is but fair to infer that the accused had a right to believe that the erroneous report of his language was corrected, and also to believe that Mr. Lyon himself had drawn the same conclusion from this letter that had been so generally drawn by others.” But it now appears, from Mr. Lyon’s memorial to the Synod of 1846, that the accused’s letter to Mr. Decherd of Sept. 2d, 1844, (which the court deem the “measure,”) was not intended, when written, to be published, or even to be shown!—for in Dr. Scott’s letter to Mr. Lyon of Oct. 9th, 1844, quoted in this memorial, he “complains of the conduct of Mr. Decherd in showing his private letter, &c., but does not intimate that he had been misunderstood or misrepresented” Mr. Lyon also says in this memorial, that he told Dr. Scott at Synod, that the publication of this letter had been called for, but that it “had been refused on the ground that it was a private letter.” These facts were of course not known to the court at the time of giving their “reasons for the decision,” or the Presbytery never would have deemed this letter, (which was so “private” that it could neither be published nor even “shown,” and the “showing” of which was “complained” of by the writer,) as the great “measure” to correct such a report. But how the court could so regard it, when permission was given to publish it, is singular, while as the fact is, and was known to be at the time, the said letter contained no denial or correction of the said report! And yet, this is the only thing which exhibited even a shadow of a “measure;” while, on the other hand, Mr. Decherd and Mr. Lyon, (the persons who should have been informed, if any,) both testify, that in no letters to, or conversations with them, did the accused ever “intimate” that in this matter he had been “misunderstood or misrepresented.” And still, in the face of all this, the court, (two members dissenting,) voted an acquittal on this point!”

¶ There is another fact of some weight here, which the public ought to know. Mr. Lyon, (as I have been informed on good authority,) the particular friend of Dr. Scott in this affair, was himself not satisfied that Dr. Scott had ever taken “immediate measures,” as he had affirmed.—When Mr. Lyon saw that statement first published, it “alarmed” him, as he stated in a certain letter in existence. So much “alarmed” was he, that he wrote Dr. Scott, “remonstrating” with him; but, as in several other instances, he seems to have received a reply which put a quietus on all his fears. Here are more letters which might enlighten the public.



their reasons for their vote. This your complainant deems a manifest unfairness and injustice to the accused.

2d. The court further state as a reason for not *voting* the accused guilty, (as they have virtually declared him to be,) in regard to the "improper spirit" manifested, that "they have received from the accused a written *acknowledgment* of his error" on this point. This "acknowledgment" the court accepted and published with their reasons, although it is a fact undeniable, that this acknowledgment was not made to the court until the parties had withdrawn from the house, for the court to deliberate on their verdict, and was not known to the committee of prosecution until the court had decided the case. This your complainant deems a manifest impropriety. Any acknowledgments, to have been deemed valid, should have been made in the presence of the parties.\*

III. The undersigned complains of *the decision on Charges First and Third* generally—

Because, on many important points, (in addition to those above named,) the court founded their decision upon *statements of the accused himself, which were regarded as "evidence;"* and this, too, in some cases, where these statements were contradicted by direct testimony, and well known facts from documents admitted in evidence.

For proof of this, compare the "reasons" given for the decision of the court, p. 273 to p. 276, with the testimony of Messrs. Decherd, Lyon, Hadden, Franklin, and others, and with the documents published in evidence. In particular, compare the "reasons" given on p. 274 with the testimony of Messrs. Franklin, Beattie, and Hadden, and it will be seen that what the court style "evidence" relating to the reply of the accused to Mr. Decherd's letter, was nothing more than the bare statements of the accused himself to those witnesses—statements, which from an accused person, in his own favor, cannot in any court be properly regarded as "evidence," especially under the circumstances of the present case.† Also, on the charge about "immediate measures," &c., (p. 275

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\* It may be well here to add, that this "acknowledgment" directly conflicts with the original plea to the charges which the accused made. The record says, that "he was called upon to say whether he was guilty or not guilty; and to all of the charges and specifications he pleaded *not guilty*." (Trial, p. 22) This "acknowledgment" was made, too, after the court had been at the trouble of tediously examining the numerous documents on which this charge was founded. When this paper was offered, which was not until considerable progress had been made by the court in deliberating upon their verdict, as all the court know, I objected to its reception as irregular, the parties being out of the house; but a formal motion was passed, though not recorded, that it should be received.

† Respecting Mr. Decherd's letter and Dr. Scott's reply, the court, in their "reasons for the decision," say: "It appears *in evidence*, that on receiving this letter, the accused, as was his habit, made a memorandum of the date of said letter in a book kept for that purpose. Some ten or twelve days after, the letter being filed away and only the memorandum before him, he wrote his reply of Sept. 2d." This "evidence" (so called) was introduced by the defence, and was relied on by the court to show why the accused, in his reply, did not meet the main point of inquiry in Mr. Decherd's letter. But what is the "evidence" referred to, that the matters above stated were true? What was the precise amount of *testimony* on these points? *7hs*

of "the reasons" of the court,) it will be seen that the court founded their decision on the conversation, in part, between the accused and Mr. Lyon at Oakland. The statements of what occurred at this interview are chiefly from the accused himself, given to the court through several witnesses; and yet the court regard these statements of the accused as "evidence," and base their decision (relating to the points involved,) upon it.\*

For these reasons, the undersigned feels bound to complain of the decision, upon charges first and third, and of an assumption of the court on charge the second, believing it to be contrary to the force of the real evidence, and therefore erroneous, and "injurious to the interests of religion," as well as "to the character of those who pronounced the judgment." (*Chap. of Complaints, Sec. III.*)

IV. Besides the foregoing reasons of complaint, which are deemed sufficient to call for a review of the decision and testimony in the case, or to warrant (in conformity to Discipline, Section III, sub. sec. 5,) "a reversal of the judgment," and an order for a new investigation, it has come to the knowledge of several of the members of the Presbytery, since their decision, that *there are several other*

*naked statements of the accused to the Trustees and Elders, and by them retailed to the court!—nothing else under Heaven!* Now whether the above points are true or false, they could not justly be deemed to have been *proved* by such testimony. To call it "evidence," in a legal sense, is but making judicial proceedings a farce; and yet, these points were important to the defence, and their *proof* essential to a proper acquittal. Was this "memorandum book" produced in court? No. How was it known that the date of this letter was entered?—that this letter had been "filed away?"—or that "only the memorandum was before him when he wrote his reply?" How were *all* these things known? What was the *proof* of their reality? Why—the accused *said* they were so. What! did he say so to the court, as a witness in his own case? Oh, no. He told A B and C, and A B and C told the court. And was that sufficient "evidence?"—The court *said it was*—and it went out to the world baptized with that name!

\* The court say, on the point about "immediate measures," &c, in their "reasons for the decision,"—"It appeared *in evidence* that the accused became acquainted with Mr. Lyon's erroneous report [no sooner than] on or about the 15th October." How did this appear "in evidence?" *From the accused's naked statement to the Trustees and Elders, retailed to the court in their testimony!* And this is "EVIDENCE!" Again, the court say: "It further appears *in evidence*, that when the accused did meet Mr. Lyon at Oakland, (at Synod of 1844,) after exchanging salutations, the first question he asked him was: 'What is all this fuss about at Columbus?' Mr. Lyon in his reply told the accused that it was all dead, showed evident mortification at having got the name of the accused in the public prints, and apologized for the agency he had had in the matter." And how did all this appear "in evidence," when the interview was between Dr. Scott and Mr. Lyon only? Why, Mr. Lyon so testified. But that is *only one* witness. Oh! Dr. Scott is the other. But does he testify in his own defence? Why, not exactly; but he tells the story to the Trustees and Elders, and they tell it to the court—and *then* it becomes "EVIDENCE!"—proof as strong as Holy Writ. And this is the kind of testimony on which the court base their decision of "not guilty"—the naked affirmations of the person on trial for *falsehood* respecting his previous affirmation on the very point in question!—and which they introduce by the formal statement: "It appears *in evidence*." If Dr. Scott's simple averments on this point are to be taken as "evidence"—*proof sufficient*—that his previous averments touching the same point were true, and if the court had acted *consistently* on all the other points of the case, and had received his affirmations and denials as sufficient, the whole case would have been wonderfully *simplified*—witnesses might have been entirely dispensed with—the accused could have made his statements *to the court*—and then, the *testimony* would have been *direct*, and the "evidence" overwhelming!

*witnesses who are able to give such testimony as would fully establish the above two charges. (First and Third.)* It is not, however, practicable to have this new testimony taken by the present General Assembly.

In view therefore of the principles involved in this case, and especially in consideration of the new and important witnesses, recently discovered, whose testimony, it is confidently believed, will throw much light on the case, your complainant believes, that truth and justice to all concerned, will be best promoted by "reversing the judgment," and sending the case back to the Presbytery of Louisiana, for an immediate investigation and trial *de novo*.

Your complainant, therefore, prays the Assembly, (standing as regards this case in the place of the Synod,) to issue an order to the said Presbytery of Louisiana, to the effect that a trial *de novo*, of the matters herein complained of, (on the ground stated, and especially in the view of new testimony,) may be had as speedily as practicable.

And as in duty bound your complainant will ever pray.

JAMES SMYLIE.

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### COMPLAINT

*Of Rev. James Smylie to the General Assembly against the Synod of Mississippi. To the Moderator of the General Assembly of the Presbyterian Church in the United States :*

REV. AND DEAR SIR :—In addition to his complaint against the Presbytery of Louisiana, the undersigned feels also constrained to complain of a recent decision of the Synod of Mississippi, upon his complaint against that Presbytery.

The Synod declined to act on the merits of the said complaint, and suggested its withdrawal. The Synod also gave permission, if the complainant thought it of sufficient "importance," to carry it up directly to the Assembly.

The undersigned complains of the Synod for not acting directly upon the said complaint against the Presbytery, by either sustaining or not sustaining it, for the following reasons :

I. The case was a plain one, involving no abstruse principles of discipline or doctrine, to determine which, required the wisdom of the whole church represented in the General Assembly. The question was simply one of fact, which the Synod were competent to settle, and should have settled, without bringing the case before the whole church.

II. The only reason given by the Synod, for recommending the entire withdrawal of the complaint against the Presbytery, was, "the amicable settlement" of a difficulty between the Presbytery of Louisiana and the Presbytery of Tombeckbee. But that difficulty did not arise out of *the decision* of the Presbytery of Louisiana complained of, had no connection whatever with that decision, and of course its settlement could be no valid reason for withdrawing the complaint.

III. Another reason why the undersigned complains of the action of the Synod, is, that developments were made before the Synod, in a memorial to that



body, by the Rev. James A. Lyon, a member of Synod, and a principal witness for the prosecution, in the case before the Presbytery of Louisiana, of such a character, as to show that a further investigation was demanded. These developments were so intimately connected with the original charges alleged in the case, and with the subject matter of the complaint, (bringing to light entirely new and important points,) that they furnished a new and strong reason why the Synod should have acted upon the complaint, and also why the Synod should have both reversed the decision, and ordered the Presbytery to investigate the new allegations made in the said memorial. A brief statement of some of the points will suffice to show the character of these developments:—

1st. In the course of the trial, Messrs. Franklin and Beattie positively testify, (*see Trial, pp. 142, 208,*) that the accused stated to the officers of his church, (the witnesses being of the said officers,) in January, 1845, that he was *not aware of* HIS OMISSION to reply (in his letter of Sept. 2d, 1844,) to the main point of inquiry, (respecting the Sabbath card playing, &c.,) in Mr. Decherd's letter of August the 12th, 1844, *until that omission was pointed out to him by the said officers in January, 1845.* But in the memorial aforesaid, Mr. Lyon states, that he wrote to the accused, *in November, 1844, calling his attention to the same omission,* and asking him, why he had not replied to *that point* in Mr. Decherd's letter.—That memorial also states, that the accused wrote to Mr. Lyon in reply, *under date of November 28th, 1844, giving his reasons for the said omission.* There appears then, a palpable inconsistency between the statement of the accused, to the officers of his church, in January, 1845, and his knowledge of the said omission, as brought to his notice by Mr. Lyon, in November previous, and respecting which, the accused gave his reasons, in the said letter to Mr. Lyon. This point plainly demands investigation.

2d. It is repeatedly stated in the course of the trial, on the authority of the accused, that *he first* became aware of the “erroneous report of the language,” attributed to him in the first and main charge, about the “15th of October, 1844.” But this memorial states, that a newspaper publication of the said report was made in *September previous*, and was *immediately* sent to the accused by Mr. Lyon, and that the accused *wrote* Mr. Lyon, under date of *October the 9th, 1844, acknowledging the receipt* of the publication containing the alleged “erroneous report;” but, in this letter, gave no intimation that said report was incorrect.

3d. In the testimony of Mr. Lyon certain letters were referred to by him, which were supposed to have a bearing upon the main charge against the accused. These letters were called for by the prosecution, but refused by Mr. Lyon. At this point in the case, the accused stated to the court, that he had “been favored with the perusal of these letters—that he (the accused) knew their contents, and that he was very anxious that they should be brought into Presbytery, and that he would do all he could to bring them before the body.”—The accused wished this his statement recorded, which was done, and may be found on page 33 of the printed trial. But in the said memorial, Mr. Lyon

states, that he withheld the said letters from the court, because of the positive opposition of the accused to have one of them produced, which withholding, afterwards, met the "most cordial commendation" of the accused. Here appears an implied and palpable contradiction between the statements of the accused to Mr. Lyon on the one hand, and to the court on the other, respecting his anxiety to have the said letters exhibited. This point is a grave one, and calls for investigation.

Besides the foregoing, there are other points in the said memorial, which equally demand inquiry at the hands of the proper tribunal. Yet this document was before the Synod, and all these grave points were passed over by the body. The omission of the Synod to order an investigation of them, constitutes, in the judgment of the undersigned, a proper ground of complaint, inasmuch as the points themselves are of a grave character, and are closely interwoven with the case which was before the Presbytery of Louisiana, the decision upon which was the ground of complaint to the Synod.

It may not be improper for the undersigned to state to the General Assembly, what he thinks truth and justice demand in the premises, and what will be entirely satisfactory to himself. He dares not ask the Assembly to come to a decision upon the merits of the case involved in this complaint. This would occupy more of the Assembly's time than they probably can bestow, as the documents are voluminous, and the case somewhat complicated. But in view of all the facts herein set forth, and from their intimate relation to the original case, the undersigned earnestly prays the Assembly to send these matters down to the Presbytery of Louisiana, (as the Synod should have done,) for an immediate inquiry into the allegations made, in the aforesaid memorial of Mr. Lyon, to the Synod of Mississippi, that a full judicial investigation of them may be had, in order that the truth may be brought to light, and righteousness may be vindicated. The Presbytery can, if the Assembly deem it wise, unite in one case, *de novo*, all the matters contained in both complaints of the undersigned upon the subject.

That the General Assembly would thus determine, your complainant prays, and as in duty bound, will ever pray.

JAMES SMYLIE.

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The reader will sufficiently perceive, from the first of the foregoing complaints and the notes, the chief grounds of my complaint against the decision of the Presbytery, though they are here presented in a different form from that in which they appeared before the Synod.

The memorial of Mr. Lyon, in which the new questions of veracity are developed, calls for further notice, which I will briefly give at the risk of a seeming repetition, (though only an amplification,) of a part of the latter complaint. The history of this memorial is contained within itself, though it may be well to

advert to it here. Mr. Lyon felt aggrieved at the reports which had reached him respecting the comments of Dr. Scott's counsel upon his testimony at the time of trial, and opened a correspondence with the counsel. This memorial consists, chiefly, of a portion of that correspondence. It was laid before the Synod by Mr. Lyon, for advice respecting the proper mode of redressing the injury he felt himself to have received from the speech of the counsel. It was referred to a committee, who reported answers to Mr. Lyon's specific questions touching that point.

The developments made in this paper respecting the case of Dr. Scott, seem to have been only incidental to Mr. Lyon's main purpose in presenting it; though Mr. Lyon states, respecting these disclosures: "Such a history of this affair as justice to myself will require me to make, will do my particular friend, Dr. Scott, no good, but might do him much harm." Whatever might have been the main object of Mr. Lyon, however, in presenting this paper, it was the imperative duty of the Synod to have ordered an immediate investigation into its grave charges against Dr. Scott. That they did not—that they passed over the whole in silence—has tended to forfeit the confidence, extensively, which wise and discreet men, who know the facts, have hitherto reposed in ecclesiastical judicatories of the Presbyterian Church. That the public may be able to judge of the justice of this feeling, I ask attention to some of the facts stated in that memorial, as they bear upon other facts contained in the testimony adduced on the trial.

Before comparing these conflicting statements, it may be well to inform the reader that at Mr. Lyon's request, the Synod, (as I have learned from some of those present,) with great unanimity, ordered his memorial to be published, though subsequently the resolution was rescinded. Then, in answer to Mr. Lyon's inquiry, whether he or any other member of Synod could have permission to publish it on his own responsibility, the Moderator answered in the affirmative, no one dissenting. It is on this ground that I now publish a certified copy of that document, the original of which is on file in the archives of Synod. It will be found at length at the end of this pamphlet.

#### NEW AND GRAVE DISCLOSURES IN MR. LYON'S MEMORIAL.

1. The first point in this document which I notice, respects the "omission" in Dr. Scott's reply to the Decherd letter. The facts are these. On the 12th of August, 1844, Mr. Decherd, of Columbus, wrote Dr. Scott, stating: "It is reported here upon the authority of your name, that the Hon. Henry Clay was engaged at a game of cards upon the Sabbath day, and during the last two or three years. Will you be good enough to write me at this place, if such is the fact, naming the time and place where he was so engaged." This was every thing in the letter relating to this inquiry. Dr. Scott replied under date of Sept. 2d, 1844. In his reply he touches every point in the inquiry except the main point, viz: that relating to "the Sabbath." When these letters came before the Trustees and Elders for examination in *January*, (1845,) they were surprised that in Dr. Scott's reply he had omitted to answer the inquiry respecting "the Sabbath," which



they conceived to be the main point. He stated to them, in explanation, (so Messrs. Franklin and Beattie, of the Elders, testified on the trial,) "that he was not aware of having made the omission alluded to, until it was pointed out by the officers of his church." (*See Trial*, pp. 142, 208.) This exhibits *one* statement of Dr. Scott, respecting that "omission."

In Mr. Lyon's memorial we find *another* statement of Dr. Scott's touching that omission, which it will be impossible to reconcile with the foregoing. Mr. Lyon states that as soon as he was informed by Dr. Scott that he had misunderstood him relative to Mr. Clay's playing cards on the Sabbath, (which was by Dr. Scott's letter of Nov. 4th, 1844,) he immediately wrote Dr. Scott, asking him "to explain," among other things, "why he did not fully answer Mr. Decherd's letter." Mr. Lyon states: "I have before me a letter from him (Dr. Scott,) dated 'November 28th, 1844, New Orleans,' in which he incloses Mr. Decherd's letter, and explains why he did *not* answer it fully."

Between these statements of Dr. Scott there is so clear an inconsistency as to place their author in a most unenviable dilemma. Dr. Scott is inquired of by Mr. Lyon in November, why he omits in his letter of Sept. 2d, to answer Mr. Decherd's letter of August 12th, on a certain point. He replies by *letter in November, giving the reason why he omitted to answer that point.* In *January following*, Dr. Scott is inquired of by the Trustees and Elders, respecting the same omission.—He replies, as two of them testify, that *he was not aware* of his having made the omission, until it was *then* pointed out by the officers of his church.

These statements are palpably irreconcilable. Is it at all possible that the one made in January by Dr. Scott can be true, provided Mr. Lyon's statement is true? Can any man believe that when Dr. Scott made that declaration to the Elders in the fore part of January, he had forgotten Mr. Lyon's inquiry and his own written reply of the 28th November? *Credat Judæus apella.*

2. Another point respects the *time* when Dr. Scott was first informed of the report against Mr. Clay, circulating on his authority. Some of the Trustees and Elders testified on the trial, that Dr. Scott stated to them in January, 1845, that he *first* became aware of Mr. Lyon's "erroneous" report of the language attributed to him in the main charge on trial, "about the 15th Oct.," 1844. But, (to say nothing of Mr. Decherd's letter of inquiry of Aug. 12th,) Mr. Lyon in his memorial states, that he took pains "to apprise Dr. Scott of all that was going on here," (Columbus,) that "the first newspaper publication" (26th Sept., 1844,) containing the report attributed to Dr. Scott, "was sent to him so soon as it came out." Mr. Lyon further states that he "also sent" Dr. Scott his "card, which came out in the next paper, and with it a LETTER on the subject, calling his attention *particularly* to the *whole difficulty.*" To confirm this, Mr. Lyon states in his memorial, that he has in his possession, "a letter in Dr. Scott's own hand writing, dated '9th October, 1844, New Orleans,' in which he acknowledges the reception of the 'Columbus Whig,' containing the aforesaid report, charges, abuse, &c.,—in which he expresses himself strongly against the abusive editors,

and complains of the conduct of Mr. Decherd, in showing his private letter, &c. &c.—but he does not *intimate* that he had been *misunderstood* or *misrepresented*.”

It appears from this showing, that the *time* when Dr. Scott actually became aware of the existence of the said report attributed to him, in its public newspaper form, and by letter from Mr. Lyon, was long previous to the date named by him to the Trustees and Elders. Indeed, (passing by his reply to Mr. Decherd of Sept. 2d,) he “acknowledges” the information *by letter to Mr. Lyon*, as early as “Oct. 9th.” The information was given in a previous “letter” from Mr. Lyon, “calling his attention particularly to the whole difficulty”—and yet, it seems, he gave no hint of even any mistake in the matter!—and what is worse, if possible, denied to his officers, even a *knowledge* of it till about the 15th October!

It is not improbable that this letter of Mr. Lyon, and Dr. Scott's reply of Oct. 9th, 1844, could they be made public, would shed additional rays, either of light or darkness, on this singular affair. As these letters are so intimately connected with this case, is it not due to truth that they should be published?

3. The next point disclosed in Mr. Lyon's memorial, exhibits one of the most humiliating of the many humiliating scenes, which the successive revelations in the history of this case have yet brought to light. During the examination of Mr. Lyon, he testified to the existence of certain letters in his possession, which, it was thought, would throw light on the main charge against Dr. Scott. The letters were called for by the prosecution. Mr. Lyon declined to produce them, on the ground that they were “private letters,” &c. Considerable discussion arose among the members of the court, in the course of which Dr. Scott made a statement of which he requested a record to be made. It may be found on page 33 of the printed trial, in the following words:—“Here Mr. Scott stated that he had been favored with the perusal of these letters—that he knew their contents—and that *he was very anxious that they should be brought into Presbytery—and that he would do all he could to bring them before the body.*” This is the side of the picture exhibited to the court at the time of trial. The memorial of Mr. Lyon presents the other side. After repeating in his memorial the reasons given in his testimony for withholding the aforesaid letters, viz: that they were “private,” &c., he says: “But there is one reason yet behind, more potent than any of the preceding. It is this: When Dr. Scott arrived in Columbus, previous to the commencement of his trial, I took him to my study and exhibited to him, confidentially, these very letters, and told him, that notwithstanding I felt under no obligations whatever to produce them, and was confident my enemies in this place would try to misrepresent one of them to my injury, yet after all, for his sake, if he desired it, I would take upon myself the responsibility and produce them. He did not decide at that time, but afterwards desired that I should produce *one* of the letters, and withhold the *other which detailed the account of the conversation had with himself.* I explained to him why this could not be done. I again exhibited the letters to him, and he once more perused their contents, *said that one of them might be used to his injury by his enemies, and advised me decided-*

*ly and emphatically, NOT TO PRODUCE THEM.* And in obedience to this advice, as well as my own sense of propriety, I pursued the course I did, which afterwards *received his most cordial commendation.* These, sir, are the simple facts in the case; and should they be called in question, which I do not for a moment expect, I have no witness to establish them; but the revelations of the judgment day, to which I appeal, will verify them just as I have stated."

This disclosure scarcely needs any comment. That this point reveals a palpable falsehood, resting upon the head of one or the other of these gentlemen, is too plain to admit of doubt. Mr. Lyon's statement seems to me to carry on its face an air of truth; and it is presumed that Dr. Scott will not venture to meet it with a public denial. On the supposition that it is true, how awful was the position assumed by Dr. Scott, when deliberately rising in his place before the court which was sitting in judgment upon his conduct, he solemnly assured the members that "he was *very anxious*" to have these letters "brought into Presbytery," and that "he would *do all he could to bring them before the body*;" while, only just before this, he had "decidedly and emphatically advised" the man who had them in possession, "*not to produce them*!"—and what face must he have put on, when, the letters having been withheld from the court "*in obedience to this advice*," and the accused and witness having retired from the tribunal together, Dr. Scott assured the witness that his course in withholding them, "*RECEIVED HIS MOST CORDIAL COMMENDATION!*" *O! tempora! O! mores!*

A considerate public will never be satisfied while this matter rests in its present position. *Ought not these letters to be made public?* Although, on the trial, Mr. Lyon withheld them, as they were "private," yet now, it seems, he was even then willing "to take the responsibility, and produce them," but was prevented by a regard to the unwillingness of Dr. Scott. The *real* reason, then, (or in his own words, the "more potent reason,") for withholding them, Mr. Lyon did not give in his testimony! That "reason," he now coolly says, was "yet behind!" What disgraceful collusion between the accused and this witness!—unknown to the court at the time, but revealed as soon as the witness found it necessary to defend himself against the assaults of the counsel for the accused! It is no marvel that Mr. Lyon should say in his memorial: "Such a history of this affair as justice to myself will require me to make, will do my particular friend, Dr. Scott, no good, but *might* do him much harm." It is a marvel, however, if Mr. Lyon expects that "justice" to himself will or can be done by such partial revelations as these. He has disclosed just enough to place himself and "his particular friend" in a most melancholy predicament. Whether he can relieve himself or his friend by further disclosures, he perhaps best knows; though, of his knowledge of this, from what he has already exhibited, there is room for doubt; for every attempt, hitherto, seems only to have revealed a deeper deep yet unsounded. But of this he may rest assured: the public cannot do him "justice," *until all* shall have been *made known*. There may be yet much behind the curtain—numerous letters and facts—which Mr. Lyon must disclose, before he can relieve himself of the awkward position in which his present developments have placed him.



It is unnecessary to call further attention to the disclosures of this memorial.— The reader will perceive, from the foregoing, some of the points which constituted an additional reason why I deemed it absolutely indispensable to prosecute my complaint before the Assembly, and also to complain of the Synod for not ordering an investigation into this new matter.

To many men of discriminating minds, both in and out of the church, it has been matter of wonder, that when such disclosures as the foregoing came before so respectable a body of men as compose the Synod of Mississippi, they should have given the subject a complete go-by, without taking a single step toward even an inquiry into these new issues. These men, they knew, had taken a solemn ordination vow, “to be zealous and faithful in maintaining the truths of the gospel, and the purity and peace of the church, whatever persecution or opposition might arise unto them on that account.” But here were matters seriously compromising the church’s “purity” in the conduct of those who minister at her altars ; and it were worse than idle to suppose that her “peace” could be promoted while such scandal were permitted to pass without even an attempt at removal. When men were told that the Synod had silently winked at these things, they were astounded. They had hitherto placed too much reliance on the integrity and firmness of our higher ecclesiastical judicatories to believe it. But they could not avoid the conclusion ; and the consequence has been, a serious abatement of confidence in the ministry, and a most serious injury to the cause of pure and undefiled religion. Talk as we may, and cry “peace, peace, when there is no peace,” with however stentorian a voice, still there is a sterling common sense in the christian community, as well as among men of the world, which will not silently brook such palpable acquiescence in the subversion of truth. The scriptures say of a “Bishop,” (and the doctrine may well be applied to the action of a body of “Bishops,”) “Moreover he must have a good report of them which are without ; lest he fall into reproach and the snare of the Devil.” (1st Tim. 3 : 7.)

I can readily acquit some portion of the Synod of culpable neglect of duty, on the ground of being ignorant of the bearing of these disclosures upon the merits of the case, from the fact that when called for, the reading of my complaint was refused. But quite a number of members could make no such plea. They saw, they felt, they *acknowledged*, as I have been assured, the serious and startling nature of these revelations ; and from what I have learned, it is to my mind clear, that it was the gravity of the points in question, and the delicacy, unpleasantness, and responsibility involved in taking any measures for an inquiry, and the odium which might be visited from some quarters, which prevented those who did understand the case, from making any official movement toward an investigation.— Whether this furnishes a sufficient justification, I leave the public to judge.

#### THE CASE BEFORE THE GENERAL ASSEMBLY OF 1847.

I have already stated, that the disclosures made in Mr. Lyon’s memorial, furnished additional reasons for carrying the case of Dr. Scott to the Assembly.

In my complaint against the Synod, as will be seen, I called the Assembly's attention to several points brought to light in that memorial. The reader will perceive, that, after setting forth the facts and reasons in my two complaints, I requested the Assembly to send the whole case back to the Presbytery of Louisiana, for a re-investigation, *de novo*. This I deemed the best course, as, 1st, from the length of documents and testimony in the case, and the amount of other business before the Assembly, I was convinced that that body could not give the matter due attention. This was, in my judgment, the right course, 2d, as the new matter should first come before the Presbytery, as the court of original jurisdiction.

The reasons why I wished the subject touched at all—the reasons why I complained to the Synod and Assembly—have already been stated. They are, in brief, 1. That I deemed it of vast importance that *the whole truth* should be known. 2. I had information of important *new testimony* respecting the original main charge. 3. That the *new questions of veracity*, brought to light by Mr. Lyon's memorial, and which had never been investigated by any tribunal, might be subjected to judicial scrutiny.

This, it seemed to me, was nothing more than a fair course, and I deemed it an imperative duty to pursue it. I had strong hope that the Assembly would see the importance of taking some step for such an investigation as would vindicate the truth, and satisfy the just demand of a large portion of the christian community in the southwest. I soon saw enough, however, to convince me, on my way to, and after my arrival in Richmond, where the Assembly met, that influences from some quarter had already been brought to bear upon some distinguished minds in the Assembly, having the effect to give them a biassed and decided direction against acting on my complaint, while as yet these same good men, so influenced, must have been totally ignorant of the grounds on which my complaint was founded! Even one distinguished member of the Assembly, thus profoundly ignorant, went so far as to give his opinion to the chairman of the Judicial Committee, that the complaint should be not at all encouraged.

The complaints were not read before the Assembly. Hence it may be said, as of the Synod, that most of the members were unaware of the merits of the case. The large and respectable Judicial Committee, however, to whom the two complaints were referred, must have seen, if they examined the documents, that the points at issue were important. But under the influences at work, I am willing to grant that they saw, possibly, "as through a glass darkly." The chairman of that committee, however, I have reason to know, was from the first, in favor of remanding the case to the Synod for investigation. This accounts for that sentence in their report, which it has puzzled many to understand. They speak of "three ways" in which the case "might be disposed of." The third was to send the case back to the Synod. The committee then add: "This, it is deemed, would be the wisest course." This expresses what I understand to have been the individual opinion of the chairman to the last.

Many have been as much astonished at the course of the Assembly, as at that of the Synod; and the confidence hitherto reposed in the wisdom of the supreme judicatory of the Presbyterian Church, as evinced in dismissing this case without securing an investigation, has been greatly impaired in the minds of some of our best members in the southwest, whose knowledge of the merits of the case may exceed that of the members of the Assembly, and whose judgment in the matter it were an unpardonable vanity to affect to despise.

That the reader may understand the action of our highest judicatory on the subject, I deem it best to give the Assembly's report upon the case, in full. It is as follows:

"The Judicial Committee reported as in order, case No. 4, and their report was adopted, and is as follows, viz:

"The Judicial Committee report, that they have received and examined a complaint of the Rev. James Smylie, from a decision of the Presbytery of Louisiana in the case of the Rev. Dr. Scott, which has been brought in a regular manner up to this General Assembly.

"The complaint was first presented to the Synod of Mississippi, who recommended the complainant, if he could not conscientiously withdraw the complaint, to carry it up to the General Assembly. Mr. Smylie, feeling it to be his duty to prosecute his complaint, has brought it up to this supreme judicature of our church.

"There are three ways in which this complaint might be disposed of.

"1. The Assembly might take it up, wade through the testimony, receive the new testimony, that, it is understood, the complainant wishes to offer, to decide the case. But against this course, besides other difficulties, it may be mentioned as a very serious one, that the bare reading of the records of the Presbytery would consume four or five days.

"2. Another mode might be adopted, by referring the case for consideration to the Presbytery of Louisiana, who might be directed to take any new testimony that should be properly offered.

"3. Or the General Assembly might remand the case to the Synod of Mississippi, to hear the complaint, and dispose of it in a regular and constitutional manner. This, it is deemed, would be the wisest course.

"But, were either of these modes adopted, it would require a great consumption of time, and subject the judicature that might adjudicate on the case to great inconvenience, and no inconsiderable expense; and instead of resulting in practical good, might produce great excitement and consequences injurious to the peace and edification of an important section of our church. The testimony is so voluminous, that to form a correct judgment on it, would require a retentive memory, patient attention, diligent comparison of its several parts, as well as a discriminating mind. It is to be regretted that the Presbytery sanctioned by their authority the publication of the speeches on both sides of the question.



"The committee after carefully deliberating on the subject were unanimously of the opinion, that if the case could be disposed of, consistently with the rights of Mr. Smylie, without remanding it to either of the inferior courts, and without the Assembly's adjudicating on it, all the ends of justice would be gained and the peace of the church would be promoted. They therefore invited Mr. Smylie to a friendly interview, in which they expressed their opinion, and he stated his views. He did not concur with the committee in regard to the probable consequences of the case being remanded to the Synod or the Presbytery; and stated that in prosecuting his complaint he was influenced by no personal feelings against Dr. Scott, but by a desire that truth might be sustained, justice done to all concerned, and the constitution of our church upheld; but if the committee would, without his concurrence, assume the responsibility of recommending to the General Assembly to terminate the case without any further trial, and the Assembly should determine to adopt this as the wisest way of terminating it, he would submit, and feel that he had discharged a duty, which, while it was troublesome and painful, had put him to no inconsiderable expense.

"It is due to the Rev. Mr. Smylie to say, that the committee believe, that in prosecuting his complaint, he has been prompted by a sense of duty and a regard to the constitution of our church, and governed by what he deemed its purity and best interests required.

"The committee recommend to the Assembly, the adoption of the following resolution:

"*Resolved*, That in view of the representation of the case given in the above statement by the Judicial Committee, of the voluminous nature of the testimony, and of the difficulties attending the case, and believing that the interests of the church will be best promoted by adopting the course recommended by the committee, and being willing to assume the responsibility of acting accordingly, this General Assembly do hereby terminate this unhappy case without any further judicial trial."

This report is in some respects a singular document. It will be seen by referring to my complaints, that I did not wish or expect the Assembly "to decide the case" upon its merits, for the very reason the committee give—that it "would consume" so much of the Assembly's time. I should have been satisfied if either of the other modes named had been adopted, and should then have hoped at least, that "all the ends of justice would" have been "gained, and the peace of the church promoted."

The reasons given for not recommending its disposal in any of the three ways named, have struck many persons as very remarkable.\*

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\* A writer in the "*Presbyterian Herald*," of July 29, 1847, published at Louisville, Ky., speaks of the action of the Assembly, as follows:—

THE CASE OF REV. DR. SCOTT.—*Messrs. Editors*: I wish to say a word in regard to the action of the General Assembly, on the complaint of Rev. James Smylie. It appears to me that the report of the Judicial Committee, on this complaint, is a singular document, and the action of the General Assembly, very strange. The committee state that there are three ways in which

They are, 1st, "The consumption of time" required, and the "inconvenience" and "expense" to which the body (Assembly, or Synod, or Presbytery,) might be subjected, if the case were investigated! But I find that considerate men ask—Were these really the reasons which induced a grave body of divines and elders, representing the wisdom of the whole Presbyterian Church in the United States, to dismiss a case, where truth, and ministerial standing and character,

the complaint might be disposed of: 1st, to try the case in the Assembly; 2d, to send it back to the Presbytery; 3d, to send it back to the Synod. The language of the committee implies that these are the only constitutional ways of disposing of the case; and yet, with singular inconsistency, they proceed to recommend a fourth way, viz: to terminate the case by resolution.—Again, the last of the three "ways" which they first mention, they pronounce the "*wisest course*;" and then immediately proceed to recommend *another "course."* What glaring inconsistencies! The only apology they give for not recommending what they call the "*wisest course*," is that it will be very tedious and troublesome, and the complainant said he would "*submit*," provided the committee, without his concurrence, should recommend to terminate the case without further trial, and the Assembly should adopt the recommendation. Now, what could the complainant do but submit? The Assembly was the last court of resort, and as a matter of course, the complainant *could* do nothing else but submit. Surely these are the lamest reasons, for what is confessedly an *unwise "course,"* that ever were given by an intelligent body. Too tedious and troublesome to attend to a legitimate business of the Assembly! What else did we pay their expenses and send them up to Richmond for, but to attend to legitimate business, when properly brought before them? What would be thought of a civil court, before which a tedious and litigated case was brought, should it say that the case was too tedious and troublesome, and therefore dismiss it? The other reason which the committee give is equally as lame. Mr. Smylie said *he would "submit" to the Assembly.* When, as a matter of course, he could not do otherwise than submit. Evidently Mr. Smylie did not give his consent to have the case terminated as it was. I confess, Messrs. Editors, that as a member of the Presbyterian Church, I am exceedingly mortified at the action of the Assembly in this case. I have no personal feelings in the case of Dr. Scott. I have read the published testimony in the case, and had I been a member of the Presbytery at the time of trial, I should have voted with the majority for the acquittal of Dr. Scott, on the ground that whether guilty or innocent, the testimony brought out on the trial was not sufficient to convict him. And unless the new testimony, which Mr. Smylie professed to have obtained, would materially change the aspect of the case, I think the complaint could not have been sustained by the Assembly. But the Assembly ought to have heard the new testimony, and issued the case. That they have not, will, I think, do much harm in the southwest. It bears the aspect that Presbyterians are determined to stand by and defend each other, right or wrong. I have always rejoiced in the republican character of our church government, and had supposed that it furnished the best security which human governments could furnish; that impartial justice would be done in all cases, after a fair and impartial trial. I still believe that the fault in this case is not in our form of government, but in the officers who were charged to administer it. Yours, &c. JUSTITIA.

Another writer in the same paper, of Sept. 9, 1847, speaks as follows:

CASE OF REV. DR. SCOTT AGAIN.—The General Assembly of the Presbyterian church is certainly a learned and venerable body—but how learned soever and venerable, it makes no pretensions to infallibility. This is fortunate, for some of its acts would destroy its pretensions. The Presbyterian Herald of the 29th of July, contains an article on the case of Rev. Dr. Scott.—There is much good sense in that article—it is to be regretted that it is so short. Permit a few words more to be added. A very respectable portion of the southwestern church was not fully satisfied with the verdict rendered by the Louisiana Presbytery in the case of Dr. Scott. If the General Assembly had examined the case judicially, and confirmed the decision, the church would have been satisfied, the Presbytery would have been sustained, and Dr. Scott would have been without reproach. As it now stands, Dr. Scott is not relieved, the

were greatly compromised, when the petition of the complainant was simply that the case might be *investigated* by the proper tribunal—and when the Assembly had only to say to the Synod or Presbytery—Take it, and dispose of it? What a precedent may the present action furnish to Presbyteries and Synods! In any future case, they may inquire—Is the testimony “voluminous?” Will an investigation require “time,” and subject to “inconvenience,” and “expense?”

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Presbytery is not sustained, and the Assembly has brought upon itself the want of confidence of many, for settling an important case in a summary way, because “of the voluminous nature of the testimony, and of the difficulties attending the case.” Dr. Scott had a right to expect better things at the hands of his brethren of the Assembly. He is a conspicuous man, possessed of much talent and much zeal. His character is dear to him and his friends: and to refuse to give him the benefit of the well informed and judicial opinion of the Assembly, was certainly unkind. The Presbytery of Louisiana had a right to expect better things.—For many days it toiled through this case, and finally concluded, that the testimony brought out on the trial was not sufficient to convict him. The Presbytery has been censured by many for this decision. It had a right to look to the Assembly to confirm the decision, if correct, so that when accused of partiality to one of its members, it might refer to the opinion of a large Assembly, composed of strangers to the accused. Now that reference cannot be made, the answer is, “the Assembly confirmed the decision in ignorance: it was too tedious and troublesome to investigate!” The Rev. James Smylie had a right to expect better things. He is a man remarkable for his kind and gentle spirit, and for his great love of truth and righteousness.—This venerable old gentleman, at his own expense, and with an earnest desire to have every thing put right, went to Richmond, and was induced there to *submit* to have the case disposed of “without either remanding, or adjudicating on it.” We learn from the public prints, that an interview with Mr. Smylie was had, in order that all might be done “consistently with the rights of Mr. Smylie.” This was a strange proceeding. What rights had that gentleman after the case was before the Assembly? He had a right to lay his complaint before that body; at that moment his right ceased, and the obligations of the Assembly commenced. If his complaint was not regular, the Assembly had a right to cast it out; if regular, neither the Judicial Committee nor the Assembly had a right to consult and compound with any man about the suppression of the case. Dr. Scott was not charged with an offence against Mr. Smylie—it was no personal matter—but with an offence against the church, against God. Mr. Smylie was simply the agent to lay the case before the highest court. Having done so, it went out of his hands, and became the duty of the Assembly to know, by patient investigation, whether a lower court of the church had done its duty to the whole church, in pronouncing the accused, not guilty. To compound felony, is, by the common law, punishable by fine and imprisonment. We learn from the Princeton Review, that in pursuing this course, the Assembly was of the opinion, that “all the ends of justice would be gained, and the peace of the church promoted.” Doubtless the Assembly acted with good intentions, but not wisely. It is but another instance of doing wrong that good may come. By the course pursued, all the ends of justice are not gained.—Dr. Scott did not receive justice; he is deprived of the mature opinion of the Assembly. Those who are not satisfied with the decision of the Louisiana Presbytery, feel that the ends of justice are not gained. The Presbytery has a right to feel that justice has not been done to it. Nor is “the peace of the church promoted.” There are many good members, who think that a wound has been inflicted on the church. They think that the Assembly has “healed the hurt of the daughter of my people slightly, saying peace, peace, when there is no peace.” They think the breach has been “daubed with untempered mortar.” They desired the opinion of the Assembly; but they desired it after a full investigation of the case. Further, the Assembly adopted the report of the Judicial Committee, containing a rebuke of the Louisiana Presbytery, for having the speeches in the case of Dr. Scott printed. Suppose it was wrong to have them printed, yet, with all respect, it was no business of the Assembly’s; that point was not before them; it was no part of Mr. Smylie’s complaint; it was no part of the case of Dr. Scott. It was an act of the Presbytery after the case was closed. What right had the Assembly to travel out of the record to find fault with the Presbytery? Or even if the resolution for the printing of the speeches could be made, by violent



Then give it the go-by. This is the precedent furnished by the General Assembly of 1847! This is one of their potent reasons!

2. But another reason for not ordering an inquiry, is, that "instead of resulting in practical good, it might produce great excitement and consequences injurious to the peace and edification of an important section of our church."

This is indeed remarkable. What *reason* had the Assembly to fear that no

construction, a part of the case of Dr. Scott, yet how did the Assembly know that there was such a resolution in the minutes of the Louisiana Presbytery? As the Assembly did not sit in a "judicial capacity," the records of the Presbytery were not before the body in evidence; and in no other capacity had the Assembly a right to examine them. It is true, the records of the Presbytery were properly in the hands of the Judicial Committee; but if a weak, or ignorant, or prejudiced committee recommend an unconstitutional action, the learned body should strike it out of the report before adoption. As the rebuke did not come from the proper authority, or in a proper way, the Presbytery stands unrebuked. So much, supposing we did wrong. But we have yet to learn that the Presbytery did do wrong. The General Assembly, the Synods, and the Presbyteries, have a right to sit with open doors. They have a right to publish their proceedings, and they exercise that right annually, by publishing all, or any portion of their proceedings. To censure an independent Presbytery for exercising an inherent right, is an arbitrary assumption of authority not possessed by a General Assembly of the Presbyterian Church.—Whether it is expedient at all times to exercise the right, is another question; but the question of expediency is lodged in the body exercising the right. In the present case, the last body that should give an opinion on the question of expediency, is that body which confesses it did not look into the matter, because "of the voluminous nature of the testimony, and of the difficulties attending the case." As this rebuke was extra-judicial and arbitrary, of course it can have no other effect than to awaken the suspicion that the Assembly was misled; the case of the accused was slurred over, right or wrong, and the Presbytery was sacrificed as a peace offering to the First Presbyterian Church of New Orleans.

P.

The latter article quoted above, from the "Presbyterian Herald," is accompanied with the following remarks by one of the editors, signed "L.," by which is understood, the Rev. A. B. LAWRENCE:

"CASE OF DR. SCOTT.—We very freely insert the article of our correspondent "P.," who is, we understand, a clergyman of high character at the South. Though in the Synod and in the General Assembly the case came under our notice, we felt unwilling, on account of some delicate concerns, to remark upon it in any shape. The peculiar course of the Judicial Committee, in attempting to divide the labor of investigating the merits of a complicated cause, we did hope would not be a subject of remark. We perceive, however, that it has attracted attention, and it is not our province to keep it from the public. We do anxiously hope, however, that unless some benefit can be hoped for from discussion, that the subject will be allowed to pass without further agitation. L."

Who this "clergyman of high character at the south," is, I have not been informed, nor do I deem it important to inquire. His views, in the main, I consider just and well timed. His intimation of my having "compounded a felony" with the General Assembly, in agreeing with that body to dismiss my complaint without adjudication, I have noticed in the preface to this pamphlet. My purpose in introducing this editorial notice is to inquire of the editor: 1st, what he means by the "peculiar course of the Judicial Committee, in attempting to divide the labor of investigating the merits of a complicated cause?" The report of this committee gives no intimation of their "course," in this respect, nor was any intimation of it given to the Assembly, so far as I heard. What was their "course" in this matter? What was there "peculiar" about it? How did the editor obtain the information? I hope he will answer through the medium of the "Herald." 2d. What does the editor mean by the following sentence: "Though in the Synod and in the General Assembly, the case came under our notice, we felt unwilling, on account of some delicate concerns, to remark upon it in any shape?" It is of no consequence to me to know what were the "delicate concerns" here alluded to. They may have been wholly of a private nature. But I should be glad to know what the editor means by his forbearing "to remark upon it in any shape." This seems to convey the impression, that, both "in the Synod and in the General Assembly," the editor

practical good would result from an investigation to ascertain the truth? What led them to think "great excitement" "*might*" be produced? *Who* would become excited? Have the innocent any thing to fear from an inquiry into their conduct? Had not the Presbytery of Louisiana acquitted Dr. Scott—and was there any proper cause to fear that injustice would now be done him by that body in any new matter that might come before them? This reason, certainly, pays

had nothing, personally, to do with the case—did not even "remark upon it in any shape." Now it is well known, that Mr. Lawrence was chairman of the Judicial Committee, "in the Synod," to whom my complaint was referred; that he brought in the report of that committee upon it, by the adoption of which, the Synod dismissed the complaint, without adjudication; and that, in presenting the report, (as I have been informed by those present,) the chairman *did even* "remark upon the case," in *some* "shape," whether he was willing, or "felt unwilling" to do so. Furthermore, it is well known that Mr. Lawrence was also one of the special committee of three, "in the Synod," to whom Mr. Lyon's memorial, with all its startling disclosures, was referred; that the report of this committee, in which he coincided, took no notice of the several new issues of veracity which were raised; that when this report was made, "in the Synod," Mr. Lawrence, and others, (as I have learned,) *did* "remark upon" that, too; and that the Synod, adopting this report, passed over the grave charges of that document, giving them the go-by. Mr. Lawrence's name is appended to both these reports; and a special responsibility rests upon those who thus, personally and officially, were prominent "in the Synod," touching all these matters. From all these facts, I am at a loss to know what he means by his *not remarking upon the case* "in any shape," "in the Synod." Will he please explain? 3d. Even "in the General Assembly," it seems, though not on the Judicial Committee to whom the case was referred, his "delicate concerns" did not prevent him from ascertaining that the "course" of that committee, "in attempting to divide the labor," &c., was "*peculiar*"—a matter which, so far as I know, was first made known through his paper. The editor *hopes* "the peculiar course" of that committee "would not be a subject of remark." On the contrary, *I hope*, if there is any thing "peculiar" in their "course," *worth remarking upon*, "in any shape," that the editor will reveal it—especially, as he has given the first intimation that there is something behind the curtain.

Besides the foregoing articles from the "Presbyterian Herald," showing dissatisfaction with the course of the General Assembly, I have since learned that the Presbytery of Louisiana, at their stated meeting in Oct. last, (1847,) also expressed decided disapproval of that course. I was providentially prevented from attending that meeting, and had no voice in the matter, though the action of the Presbytery, in the main, coincides with my own views. I have obtained from the Stated Clerk, a certified copy of the minute of the Presbytery in the case, which is as follows:

"The committee on the minutes of the General Assembly, further report, that they find on pages 385 and 386, proceedings in a judicial case, which, in the opinion of the committee, call for the notice of the Presbytery. The business referred to, is the adoption of a report of the Judicial Committee of the Assembly on the complaint of Rev. James Smylie, against a decision of this Presbytery in the case of the Rev. Dr. Scott. The Assembly, in adopting that report, dismissed the said complaint, without either acting or securing action on its merits, although the said report declares the said complaint to be in order, and says it was carried up "in a regular manner" to the Assembly.

"While, as a Presbytery, we would entertain the most profound respect for the decisions of the supreme judicatory of our church, and would by no means be understood as assuming the prerogative of censuring their acts, or judicially reviewing their proceedings, yet your committee deem it always to be the privilege of any Presbytery, calmly and respectfully to express their opinion of the wisdom and propriety, or otherwise, of any of the proceedings of our superior courts. This has been frequently done in the history of our church. The proceedings of the Assemblies of 1837 and 1838 were noticed by nearly or quite all the Presbyteries and Synods in the church; and approval or disapproval was passed, and entered on their records. In the present instance, while as a Presbytery, we should express no opinion on the merits of the case complained of, your committee are of the opinion that the peculiar disposal of the said complaint by the Assembly, was *unconsti-*

a left-handed compliment to what the Assembly style "an important section of our church," and is unworthy to emanate from the supreme judicatory. But suppose "excitement" would have been produced—Is that a sufficient reason for sanctioning the burial of truth? Did the Assemblies of 1837 and 1838 fear excitement when the truth was at stake? Must the church be rent asunder upon matters of doctrine, and yet when it is a *mere* question of morals, affecting

*tutional*, and therefore *unwise* and *injurious* to the interests of the church, as well as unjust to this body, to the accused, and to the complainant.

"In support of these positions, your committee offer the following reasons. They deem this action *unconstitutional*—

"1st, Because the constitution expressly says: (Form of Govt., ch. 12, 4) 'The General Assembly shall receive and issue *all* appeals and references, which may be regularly brought before them from the inferior judicatories.' As the term 'complaints' is not used in the chapter on the General Assembly, and as it is universally admitted that complaints of judicial acts may be made to that body, it of course follows, that the provision just cited must apply to complaints as well as to appeals and references. Your committee deem this provision to be imperative and not discretionary. The courts of the church, are, (under divine authority) created by, and are the agents of, the church, or whole body of believers. These courts were created for specific purposes, and to discharge specific duties. These duties are defined in the constitution. In regard to all complaints, appeals, references, &c., when in order, that instrument declares definitely what shall be done, namely—that the court "*shall* receive and issue" them; but it nowhere says that any judicatory may dismiss them, without a hearing on their merits, when regularly carried up. In this respect, the responsibilities of our ecclesiastical and civil courts are parallel. The government of our church, like our civil government, is republican or representative, all ecclesiastical power, under the divine Head of the church, residing primarily in the church at large, by whose voice ecclesiastical courts are created and sustained. Our civil institutions are similar. The people create judicial tribunals, civil and criminal. The duties of the courts are defined by law. When cases are brought before the courts of original or appellate jurisdiction, they are bound to give them a hearing, and to decide the matters at issue. They are constituted and paid for this very purpose; and the judge who should refuse to issue a case upon its merits, would be liable to impeachment. The same responsibilities apply to our ecclesiastical courts. Their judicial duties are clearly defined; and the discharge of them, in the way pointed out, is imperative.

"2d. This action is deemed unconstitutional, because it directly destroys a fundamental principle of Presbyterian Church government, viz: that of appellate jurisdiction. The Presbytery, Synod, and Assembly, are appellate courts. If any of these courts may constitutionally dismiss a case, regularly brought up, they all may; if they may do so in one case, they may do so in any case, and in all cases; if they may do so when the decision has been to acquit, they may when it has been to condemn; and thus, the appellate character of our form of government, may be entirely subverted: whereas, if the duty of "receiving and issuing" all appeals, complaints, &c., be binding, as the constitution plainly implies, and if the duty be performed, then the appellate character of our government is preserved, and in every case we may safely trust that at least an attempt at doing justice will be made.

"3d. According to the genius of our government, no judicial case is deemed to be constitutionally "terminated," until it has been regularly carried up through all the courts to the highest, and a decision rendered thereon in each court, if any person choose to exercise his rights in appealing or complaining. The only exception to this is where a case may be *referred* by a lower, directly to a higher, or to the supreme, passing by an intermediate judicatory; and even in such an event, the court of last resort is bound by the constitution to "receive and issue" the case. The case under consideration originated in the Presbytery; it was carried to the Synod by complaint; the Synod gave no decision upon it, but permitted the complaint to be carried to the Assembly, and thus provided for final action on the merits of the case. Such action by the Assembly was the more necessary, as the Synod had permitted the case to go up without issuing it; but in declining such action, the whole adjudication has been necessarily confined to the original court, and the Assembly have thus defeated one of the wisest and most valuable provisions of the Presbyterian



only ministerial character and piety, must the supreme judicatory hug her fears and dread a little "excitement?" What a falling off in ten years! "Tell it not in Gath; publish it not in the streets of Askelon!"

But what were the *particular* "excitement and consequences injurious to the peace and edification" of the church which were apprehended? The Assembly could scarcely have used this language, without attaching to it something of definiteness. What special ebullition did they fear? Had they been told the same thing that a certain member of the Presbytery of Louisiana had declared, before the Assembly met,—that if the case of Dr. Scott were sent back for investigation, his church would bolt, and withdraw from the Presbytery and become independent? Was such a fear expressed, either verbally or in writing to any members of the Assembly? Perhaps he who expressed his opinion to the chairman of the Judicial Committee can answer. Was he written to, or counseled with, on the subject? Was this one of the "injurious consequences" which was seriously dreaded? Was it really the fear of losing that church from its fellowship, that frightened the Assembly out of its propriety? I have seen other judicatories who have had to do with this case, though I am sorry to acknowledge it, led from what I conceived to be the plain path of duty, by giving way, apparent-

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form of government. This is virtually and practically carrying out Congregationalism, by making our superior courts only advisory. This action is therefore deemed to be a practical subversion of the constitution, and of very dangerous tendency.

"Your committee deem this action of the Assembly *unwise and injurious*,—

"1st, Because it furnishes a dangerous precedent to all the courts in the church. The main reasons given by the Assembly for dismissing the case, viz:—that the testimony was "so voluminous" that it would "require a great consumption of time," and subject the court to "great inconvenience, and no inconsiderable expense"—are reasons, which, in any similar case, might be pleaded by any court in the church, and this action of the General Assembly might be appealed to, assanctioning a dismissal on such grounds. All that would be needed to secure such a result, would be, that any party on trial, should render his case "so voluminous" and tedious that it would demand considerable "time" and "expense" to issue it. These reasons furnishing a foundation, and the present action of the Assembly a precedent, a dismissal would be natural; and thus, instead of "all the ends of justice" being "gained," they would be most signally defeated. The example afforded by this action of the Assembly, is therefore believed to be of very injurious tendency.

"2d. Your committee deem this action unwise and injurious, because unjust to this body, to the accused, and to the complainant. If the decision of this body, acquitting the accused, was *right*, it was the duty of the Assembly to have sustained it. That they have not done so, is unjust both to the accused and the Presbytery, as the propriety of the Presbytery's decision has been questioned by many, and needed therefore, and was entitled to, the sanction of the supreme judicatory. If the Presbytery's decision was *wrong*, the Assembly's action was unjust to the complainant, and injurious to the purity and peace of the church.

"For the foregoing reasons, your committee deem it due to all concerned, as well as in order, by this testimony, to preserve the integrity of that ecclesiastical constitution which we have all sworn to uphold and defend, to express and record our disapproval, as a Presbytery, of the above named action of the General Assembly, while we studiously refrain from expressing any opinion upon the merits of the case or the complaint under consideration."

The foregoing is a true copy of the minute adopted, in the matter to which it refers, by the Presbytery of Louisiana, at its stated meeting, Oct. 23d, 1847.

Attest:

BENJ. CHASE, *Stated Clerk.*

ly, to similar fears; but I would fain hope that the General Assembly, though composed only of mortal men, were not influenced by apprehensions of so *terrible* a nature! What they could have been, however, I am utterly at a loss to determine.

3. The resolution adopted, closes with these words: "This General Assembly do hereby terminate this unhappy case, without any farther judicial trial." On being inquired of by some of my friends, soon after my return home, I was at a loss to answer, precisely what is meant by this part of the report. I am constrained, in turn, to inquire,—What did the Assembly mean by the word "terminate?" If they meant simply to express a *dismissal* of the case from their consideration as brought up by complaint, it seems to me that they might have chosen a less equivocal term. On the supposition that this is the meaning, it may be asked,—*What right* have a General Assembly, or any other judicatory of our church, to *dismiss* a case "without a hearing," which they admit to be "regularly brought up," as is admitted in this instance? Are not all our appellate courts *bound by the constitution to hear and issue* appeals and complaints when in order, respectful, and important, or to take such action as will secure a hearing before the proper tribunal? Look at the constitution. It says of the Assembly, in specifying its duties: "The General Assembly *shall receive and issue all* appeals and references, which may be regularly brought before them from the inferior judicatories." (Form of Gov. ch. 12, Sec. 4.) This requisition is imperative; and I cannot see how it can be disregarded without a palpable violation of the constitution. The case in question before the Assembly, was brought up by *complaint*; but it is the doctrine of the *Biblical Repertory*, if I am rightly informed, that the same general rules apply to both complaints and appeals. If this be sound doctrine, (and it seems to be the plain doctrine of the constitution,) the Assembly had *no right* to dismiss this case "without a hearing" upon its merits. The Assembly determined on this course, however, and I submitted to it, as the only thing I could do, leaving them to "assume the responsibility" of such action, "without my concurrence."

But the word "terminate" may be intended to mean in its present connection, something more than a mere dismissal. They may have intended by it to provide against any future action on this case. Let us look at this point. If they meant by "terminate," "without any farther judicial trial," to *foreclose* any and all future investigation of those matters brought to light in Mr. Lyon's memorial, which are entirely new and distinct from any points which came before the Presbytery, and which have never been adjudicated by any tribunal—if they meant to preclude the Presbytery, (before whom *these* matters have *never appeared in any shape*), from judicial inquiry, if deemed necessary, into charges which seriously and vitally affect the reputation of one of their members—then, with all due respect to the wisdom of the body, I think the Assembly have travelled entirely out of the record and transcended their authority.

The language of the resolution will perhaps admit of either construction; but still, the terms chosen seem to indicate that the latter is the meaning intended.

If so, I conceive the Assembly are at fault. The Presbytery of Louisiana have now the same constitutional authority to institute process, and try the new issues presented in Mr Lyon's memorial, as that body had before the Assembly *terminated* the case; neither have the Assembly deprived by their action, nor can any future Assembly, by any action they may take, deprive, constitutionally, the Presbytery of this original, inherent right. These are new points—they make new issues—they form a new case—it has never been tried—and the Presbytery may commence process at any moment they choose. No possible decision of any other judicatory in the Presbyterian Church, can constitutionally prevent the exercise of this right.

Nor did the Assembly necessarily "terminate" the case, so as to preclude "any farther judicial trial" even upon the matters complained of to the Synod against the Presbytery—matters affecting the case which *had been* tried. If the highest court had *decided* the case upon its merits, by either sustaining or not sustaining that complaint, then, truly, the case which was tried by the Presbytery, would have been judicially *terminated*. This would have been a legal and authoritative "conclusion of the whole matter;" for no appeal to any ecclesiastical body could have been taken from such *decision* of the supreme court upon the merits of the case, whether right or wrong. But the Assembly gave no such decision. They passed over the merits of the case entirely; the papers were not read to the Assembly; they did not even sit in a judicial capacity; they dismissed the case without adjudication. The Synod did the same; the original complaint was not read to that body. The case was not met, and action taken upon its merits, by either body. By the Assembly, it was simply *dismissed*—not necessarily *terminated*. Nor was the *dismissal* based on any *constitutional* grounds. The Assembly say, in their report, that the case had "been brought in a regular manner up to this General Assembly;" and they specify "three ways" in which the case "*might be disposed of*," any one of which, had it been adopted, would have opened the way to constitutional action on its merits. This shows that the complaints were in order, and all the steps taken, legal. The dismissal, consequently, (if that was all that was intended by "terminate,") was based solely on grounds of expediency, regarding "time," "expense," "inconvenience," "excitement," &c.

Now in view of this action, can any one believe that it would not be strictly in order to present these complaints before the next General Assembly? That Assembly would be fully competent to act, notwithstanding the last did "terminate" the case in their peculiar way; and on the ground that the case had never been adjudicated upon complaint, that body would be fully authorised to remand the case to the Synod, or to the Presbytery, or to issue and decide it upon its merits; but not to "terminate" it in the sense and manner supposed to have been attempted by the last Assembly. The only way in which the highest court can justly "terminate" such a case, so as legally to prevent "any farther judicial



trial," is by trying and deciding it. Then the case would be terminated constitutionally.\*

4. This report contains this sentence: "It is to be regretted that the Presbytery sanctioned, by their authority, the publication of the speeches on both sides of the question." This is a strange sentence to appear in such a place. What had the Assembly to do with the matter? The publication, or not, was a concern of the Presbytery. Nor did it form any part of my complaint. This point was not before the Assembly in any shape. The Assembly, in noticing it, meddled with that which did not belong to the case, but which they chose to mix up with it. And besides this, the records of the Presbytery containing the sanction of that publication had been before the Synod, (the only body, if any, to notice the matter,) and by that body had been approved; and the records of the Synod containing that approval were before the Assembly, and had been approved by the Assembly, without exception, previous to the presentation of this report! It is well known that it is the *province of Synods*, and not of the Assembly, to re-

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\* It is plain that the doctrine here maintained is true, viz:—that it would be perfectly constitutional for the next General Assembly, should they see fit, to entertain my complaint, notwithstanding the last Assembly did endeavor to "terminate" the case—and also, that this position is fully sustained by the action of the last Assembly itself, in the celebrated "McQueen case." The complaint of McIver and others, in that case, was also dismissed, but for very different reasons from those given for the dismissal of my complaint. Mine was dismissed on account of "expense," "time," "excitement," "voluminous testimony," &c.; the other was dismissed on the ground that the Assembly of 1845, in the opinion of the last Assembly, had "judicially entertained" and had "pronounced judgment in the case," &c., which was regarded as final, the Presbytery of Fayetteville (McQueen's,) having carried out the recommendation of the Assembly of 1845. For these reasons, therefore, the Assembly of 1847 decided that McIver's complaint "cannot be entertained by this House, and is hereby dismissed." (*See Minutes of Ass.*, 1847, pp. 395, 396.) If these reasons were sound, of course, (as the majority thought) the dismissal was *constitutionally demanded*. A respectable minority thought the decision of 1845 was not judicial nor final, and therefore dissented from the decision of 1847. The complainants coincided in this opinion. They therefore gave a notice to the Assembly, upon which the following minute was entered:

"A communication was read from the complainants in Judicial case, No. 1, acquainting the Assembly with their submission to the late decision in said case, and at the same time, inasmuch as the Synodical and Presbyterian acts, against which they had complained, had neither been reversed or sustained by any General Assembly, with their intentions to renew the complaint, should they see fit, to the next General Assembly, for final adjudication." (*Minutes of Assembly*, p. 400.)

From this it appears, that the Assembly, by entering such notice in their records, recognised the right of the complainants to carry their case before the next Assembly, "for final adjudication," and that *that* Assembly might adjudicate it, if they should see fit, notwithstanding the decision of the last Assembly, or that of 1845. Now, if the next Assembly may entertain McIver's complaint, for the reasons given, (that the Presbyterian and Synodical acts complained of "had neither been reversed nor sustained by any General Assembly,") then, for the same reasons, the next Assembly may entertain my complaint; and if this may be constitutionally done, in the former case, where in the esteem of many, and by the decision of the Assembly of 1847, the decision of 1845 was regarded as judicial and final, much more may it be done in the latter case, where no decision of any Assembly has been made upon it, notwithstanding the last Assembly did sagely suppose they could "terminate" the case "without any farther judicial trial."

view the records of Presbyteries, and approve or censure. But here, the Assembly step over the Synod, and administer rebuke to the Presbytery, for doing that which the Presbytery had an inherent right to do not only, but that which the Synod had approved, and which the *Assembly too had* already sanctioned in their approval of the Synodical records!—a matter which was not even named in the complaint, and which had no possible connection with the case in the judicial form in which alone it came before the Assembly!—and a matter which was not before the body in any way!—a singular proof and a most striking illustration of the fact, that through some wonderful fatuity, or (what is more probable,) under the influence of some potent agency, the Assembly were much more disposed to meddle with that in which they had no proper concern, than to do that for which the body was expressly constituted; to award censure without authority, than to secure justice by a due exercise of it!

Now if on this point, the Assembly really meant to *censure* the Presbytery, (which scarcely admits of doubt,) it may well be asked,—On what was their right to do so, founded? *The constitution gave them no right whatever.* But if the Assembly merely wished to express their “regret,” without assuming any authority to censure, why then, of course, they had a perfect right to do so; and such expression is harmless. They might, in the same manner, “regret” the existence of our war with Mexico, or the despotism of the government of Austria; but they would render themselves ridiculous should they assume an authority to censure “the powers that be” in either country. The publication of a part, or the whole, or none, of the proceedings of a Presbytery, must as a *right*, belong to the Presbytery alone; and in ninety-nine cases in every hundred, doubtless, the *expediency* of publishing, can best be determined by the body in whom the right is lodged. For aught the Assembly knew, the Presbytery of Louisiana, may have had ample reasons for sanctioning this publication. Under all the circumstances of the case, therefore, I can fully adopt this part of the report, with a slight alteration, as expressing my own views: “It is to be regretted that the” *Assembly disapproved*, “by their authority, the publication of the speeches on both sides of the question”—especially, as this was a matter which did not properly come within the range of that authority which that body had over the case, nor was in any way connected with my complaint.\*

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\* The Presbytery of Louisiana, at its meeting in October last, unanimously adopted the following minute, on this point:

“The order of the day was taken up, viz: the reception of the reports of our commissioners to the last General Assembly, whereupon, it was *Resolved*, That we cannot approve of the votes of our commissioners to the General Assembly, adopting the following sentence in the report of the Judicial Committee, on the case of Dr. Scott, viz:—‘It is to be regretted that the Presbytery sanctioned, by their authority, the publication of the speeches on both sides of the question’—inasmuch as the matter there alluded to, was not regularly before the General Assembly, and did not fall within their province to decide.”

True extract from the minutes of the Presbytery.

Attest: BENJ. CHASE,  
Stated Clerk.

## CONCLUSION.\*

I have now discharged what I have regarded as an imperative duty, in giving to the public a history of this important case. Its importance lies in the

\* What in my opinion ought to be done in this case—what the interests of truth, the honor of religion, a regard to ministerial standing and character, a proper self-respect among the members of the various judicatories before whom this case has been brought, and what both Dr. Scott and Mr. Lyon ought to regard as due to themselves—what the Presbytery of Louisiana should desire, as also the Presbytery of Tombeckbee—what all these loudly demand should even now be done, I will state in few words:

1. Mr. Lyon should be *required*, by the proper ecclesiastical authority, to produce the numerous letters in his possession, which bear upon this case, and which have been kept back; especially, (1.) the two "private letters" referred to in his testimony, (*Trial*, p. 33,) which it now appears he was willing to produce, but for the opposition of Dr. Scott; (2.) the letters he wrote to the gentlemen from whom these "private" letters were received in answer; (3.) the letter he wrote to Dr. Scott early in Oct., 1844, near or at the time he published his card of Oct. 3d; (4.) the letter he wrote Dr. Scott in Nov., immediately after he had been informed he had "misunderstood" him; (5.) the letter he wrote Dr. Scott after he had seen the publication in Jan., 1845, about "immediate measures," which statements so "alarmed" him that he was prompted to write, "remonstrate," and inquire about it; (6.) all other letters which Mr. Lyon has written to Dr. Scott or any other person or persons, since this controversy began, which can throw light upon the case; (7.) all the letters which Mr. Lyon has received from Dr. Scott, bearing in any manner upon this subject—as, the letter of "Oct. 9, 1844," that of "Nov. 28, 1844," (both mentioned in Mr. Lyon's memorial,) that written in reply to Mr. Lyon's inquiry about "immediate measures," &c., that received by Mr. Lyon in July, 1845, immediately after the first memorial had been presented to the Presbytery of New Orleans, and any other letters from Dr. Scott, touching this case, which he may have received; (8.) the correspondence which has taken place between Dr. Scott and Mr. Lyon, since the Synod of 1846, respecting the memorial which Mr. Lyon presented to that body, and in which it is understood Dr. Scott endeavors to explain some of the matters set forth in that memorial; (9.) any letters which Mr. Lyon may have in his possession, written to or received from the Rev. Dr. Lapsley, of Nashville, Tenn., or any other person, there or elsewhere, relating to this case. As far as Mr. Lyon has any of these letters in possession, he should produce them—in all cases, *the originals*.

2. Dr. Scott should be *required*, by the proper ecclesiastical authority, to produce, as far as he has them in possession, any of the foregoing letters, and all others he may have in keeping, written to or by himself, or written to or by any other person or persons, which can elucidate any of the matters involved in this case—in all instances, *the originals*.

3. The proper tribunal to receive these documents, and all other reliable information which can be obtained, would be, in my judgment, the Synod of Mississippi, as Dr. Scott and Mr. Lyon, (the two whose reputations are most deeply involved in this case,) are members of different Presbyteries in that Synod.

4. When the Synod should become possessed of all these documents and information, they should fearlessly take that course which the interests of truth and righteousness demand, viz.:—secure, by virtue of the authority belonging to the body, such a judicial scrutiny into every point in this case, as would bring out the *whole truth*—either by an investigation before the Synod, or before one or both the Presbyteries to which Dr. Scott and Mr. Lyon belong.

5. The members of our church judicatories may rest assured, that until some such vigorous measures are adopted and prosecuted to a successful termination, the deepest stain will rest upon our ecclesiastical escutcheon. Men may smile at this, if they choose—or they may vent their indignation at the man who dares to raise his voice or pen for truth—or they may cry "persecution," as has been done from the very commencement of this investigation—and still it is true, that the greatest dishonor will rest upon our holy religion, just as long as these matters are permitted to sleep. I envy not the moral perceptions of that man who cannot conceive that a higher and nobler motive may have moved the breasts of those who have called for an investigation of this case, than a wish to "persecute and put down" any individual. God knows that higher aims have prompted them. Nor do I envy that man's value of truth, who is willing, calmly to



principles involved in it, both as regards the main issue in controversy, and as respects the course of the ecclesiastical bodies to whose scrutiny it has at least been respectfully submitted. No man can duly weigh these principles, viewed in both these aspects, without being aware that the case is one of serious moment in its intrinsic nature, and one whose singular disposal, by the courts of the church, will have a deep influence upon the cause of truth and righteousness. That this influence will be far from salutary, I have not the shadow of a doubt. That the prominent actors who have contributed to bring about these strange ecclesiastical results, will live to regret their course, I have as little doubt.

If TRUTH, "the image of being and of fact," be not one of the sturdiest pillars of Jehovah's throne—if its betrayal be not one of the greatest sins of which his ministers can be accused—if its defence be not one of the most imperious in the line of ministerial duties—if to institute a judicial investigation be not one of the weightiest obligations which can bind our ecclesiastical courts, when the most serious charges are made against any of our members—and if a silent acquiescence or active connivance at stifling inquiry into such charges, when they are "accompanied with strong presumption of truth," be not, whether done by individuals or ecclesiastical bodies, most thoroughly displeasing to God, and well calculated to excite contempt among men of the world against the gospel and its ministers—then, I confess, I am greatly mistaken in what I have been accustomed to regard, through a long life, as the prime duties of the church, to God, to truth, to her own character, and to the religious and moral well being of the world.

Let what may be said, *this* is well known: The most serious charges have been made, and now stand, against a clergyman's veracity—some of them have never been investigated in any way—they have been made the subject of formal complaint, in a legal and respectful manner, to the highest tribunal of the Presbyterian Church, with a simple request that they be inquired into, and a decision given upon them, either by the superior or one of the inferior courts—and the complaint has been dismissed, upon the plea that its entertainment would require "time," and cause "inconvenience" and "expense," and "*might* produce excitement," &c.; and this decision has been published to the world in the official proceedings of the body! How must these things be regarded by men of the world—by many in the church—by the God of truth!\*

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sit down and fold his hands, while the truth is deeply buried, without raising the voice of earnest remonstrance. *As a church, we are suffering.* We show to the world too little regard for the principles here involved to command its respect, while just enough has been done to reveal the darkness which enshrouds the truth, and yet so little as to exhibit the pusillanimity of the ecclesiastical courts and insure the contempt of high minded men of the world.

\* The *New-York Observer*, in noticing the proceedings of the Assembly on this case, said:—"Dr. Scott was charged with lying and heresy, and after a long and patient trial was acquitted, leaving not a suspicion of guilt in either of these matters." The *Biblical Repertory* says of the action of the Assembly on this case: "We sincerely rejoice in this termination on every account, and not least, because it restores, without reproach, to his laborious and important work, in that great and needy field, a man whom we regard as an eminently able and faithful minister of the gospel." In view of the undeniable facts set forth in this pamphlet, these statements are remarkable, on two accounts,—1st, They show how lamentably ignorant of the real merits of this case

If any step shall hereafter be taken to bring any of the matters involved in this case before the ecclesiastical tribunals, (so far as I now see, such is my advanced age,) it must be done without my agency. I have carried the case before the highest court of the church; and there, (so far as now appears,) my ecclesiastical duty *may* have ended. With this publication, I shall possibly regard my whole duty in the case done. It may be thought that in making this publication I have gone beyond my duty. That I shall incur censure in some quarters, I confidently expect; but upon that matter my mind is at rest. There are duties which are sometimes demanded, of a public nature, which sink to naught all private considerations. This I conceive to be one of them. I have attempted to discharge it in the fear of God, and I leave the issue with Him—believing most firmly, that, as regards this case, “Judgment is turned away backward, and Justice standeth afar off; for Truth is fallen in the street, and Equity cannot enter. Yea, Truth faileth; and he that departeth from evil maketh himself a prey: and the Lord saw it, and it displeased Him that there was no judgment.”

even those persons are, who think they understand it so thoroughly, that, as public journalists, they may, with great apparent confidence, undertake the formation and direction of public opinion with reference to all that has a bearing upon the several issues involved. They say the result attained by the Assembly leaves “not a suspicion of guilt,” and “restores without reproach,” &c., notwithstanding all the disclosures here made. I can only explain this on the charitable supposition, that these journalists were profoundly ignorant of the merits of the case. 2d. Their statements are remarkable, from the fact that they accord so much sagacity to the Assembly, and take so little note of some things which they *must* have known transpired before the Presbytery. For example:—The lower court, (though they *voted* an acquittal on the point,) found Dr. Scott *guilty*, on charge *third*, alleging “improper spirit,” and censured him severely in their “*reasons for the decision*,” (!) by expressing “their strong and distinct disapprobation of the spirit and temper exhibited by the accused.” (*Trial*, p. 276.) On charges *first* and *third*, one member voted “guilty,” (*Trial*, p. 267.) On the “*fifth* specification of the *first* charge, and also that part of the *third* specification of the *third* charge which relates to the exhibition of improper spirit,” another member voted “guilty.” (*Trial*, p. 268.) These are among the results to which the Presbytery arrived, after a laborious and patient investigation of several weeks. But when the case comes before the Assembly, with all the astounding and new disclosures presented to that body, (which were entirely unknown to the Presbytery, till after their verdict was rendered,) the Assembly, in the esteem of these periodicals, (by a sort of intuition or legerdemain, I suppose it must have been,) by a simple vote, “terminating” the case, *WITHOUT INVESTIGATION*, as it was too “voluminous,” are at once enabled to “restore” the accused to his former standing, “*without reproach*,” and “without” even a “*suspicion of guilt*,” in any of the matters alleged against him! At least, such is the judgment of these profound journalists! I recommend to them to peruse this pamphlet carefully, and then to state, whether, in view of all the facts herein set forth, they can repeat, conscientiously, their former opinion.

## \* MEMORIAL.

The following is the Memorial of the Rev. James A. Lyon, several times referred to in the foregoing pages.

COPY.

To the Reverend Synod of Mississippi, convened at Holly Springs, Oct. 28, 1846.—

*Dear Fathers and Brethren.*—I beg leave respectfully to memorialise your reverend body, on a subject touching not only my personal interests as a minister and member of your body, but also the integrity of the constitution of our beloved church.

The *facts* to which I desire to call your attention are briefly on this wise: In consequence of certain rumors injurious to the fair name and ministerial standing of the Rev. Dr. Scott of New-Orleans, the Synod of Mississippi at its last meeting held at Columbus, directed the Presbytery of Louisiana to file the charges preferred by “common fame” against the said Dr. Scott, and dispose of the case without delay. The Presbytery took action immediately in the premises, and I, with others, was cited to appear and give evidence in the case,—which I did.

After several adjournments, the Presbytery met on the 6th of January last in the city of Baton Rouge, for the final argument and adjudication of the case. Mr. J. A. Maybin, Esq., a member of the New-Orleans bar, appeared as the advocate and counsellor of the accused; and in the course of his very protracted speech on that occasion, selected me from amongst other witnesses, and without my presence or knowledge, made my testimony the object of his severest strictures; and as your memorialist sincerely believes, by misrepresentation, caricature, wit, and ridicule, endeavored, according to his own language, to “fix on me the brand that is marked on the forehead of Cain!” This, your memorialist conceives, was not only *unkind* and *unchristian* conduct, but a *violation* of the constitution of our church, which provides that no member shall be tried without due notice and a fair opportunity to explain, defend, and otherwise protect himself—whereas, in the case complained of, I was assailed and virtually placed upon my trial, by the said J. A. Maybin, Esq. and that too in my absence, without notice, without my knowledge, and I need not add without my most distant expectation, or even the possibility of redress or reparation. And in the *second* place, the constitution expressly provides that “no professional counsel shall be permitted to appear and plead in cases of process in any of our ecclesiastical courts.” This is a wise and salutary prohibition, since it protects the members and ministers of the church from the abuse, defamation, and detraction, of such as are not themselves responsible for what they say. So that your

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\*The *italics* which appear in this printed copy, are from the underscoring of Mr. Lyon himself, as it appears in the original; and the punctuation is that of Mr. Lyon, as near as may be possible; and the abbreviations are those which appear in the original.



memorialist concludes, either that the constitution was violated in permitting the said J. A. Maybin, Esq., "to appear and plead as professional counsel"—or if he appeared and acted as "*a presbyter*," and a member of the body, then he can be held responsible for what I conceive and am prepared to prove to be his *misrepresentations* and *false charges*, injurious to me both as a citizen, and as a minister of Jesus Christ.

Being informed that the report of the said speech of the said Maybin Esq., as published by the committee of Presbytery appointed to publish "the proceedings, &c." in the trial of Dr. Scott, was an *unfair* and *incorrect* representation of what he did say on that occasion—that it was indeed a *caricature*, and not owned by its reputed author—and also being exceedingly desirous that the church and people of God should no more be agitated and distressed on a subject that has already given them much pain,—I hoped, that by calling the attention of Mr. Maybin to his published speech, and reminding him of the injury done me by it, that he would make that prompt and effectual reparation which justice required and honor seemed to dictate, which I assured him would preclude any further excitement on this subject, so far as I am concerned. Accordingly I addressed to him the following letters on the subject, which I herewith insert on two accounts. *First* as evidence that I have done every thing within my power to effect an amicable adjustment of our difficulties, in the way prescribed by the gospel—and *second*, to disabuse your minds of certain misrepresentations and injurious impressions, which the publication of the "proceedings, &c.," together with Mr. Maybin's correspondence with me, have brought to my knowledge.

On July 8th, I addressed to Mr. Maybin the following short and friendly letter of inquiry, viz :

Columbus, Miss., July 8, 1846.

Mr. J. A. Maybin, Esq.,

Dear Sir.—I have received by mail, through some unknown individual, a copy of the "proceedings, &c.," of Louisiana Presbytery in the trial of the Rev. Dr. Scott, containing what purports to be a report of your speech on that occasion. By comparing that speech with the letter you were pleased to write me, giving a brief outline of your remarks in the defence, I am constrained to doubt whether the printed speech is a fair representation of what you said on that occasion. Still as that speech is published by the authority and sanction of the Louisiana Presbytery—and as I have not seen or heard of any disclaimer on your part, I have thought proper for my own satisfaction to inquire of you whether the aforesaid printed and published speech is a fair and correct representation of what you said on that occasion? If it is not, will you please to state wherein your spoken speech differed from the printed and published one? By so doing, at your earliest convenience, you will confer a favor and greatly oblige your friend, and brother in the bonds of the gospel.

Very respectfully,

JAMES A. LYON.

After waiting several weeks without receiving any answer, I again addressed Mr. Maybin on the same subject, as follows :

Columbus, Mi. Aug. 17, 1846.

Mr. J. A. Maybin, Esq.,

Dear Sir.—On the 8th ult., I addressed you a letter of the following import, viz :—  
(I here transcribed a copy of the letter just read.)

As I have received no answer to this letter, I have concluded that perhaps it never reached your city, or that you were absent from home, or being at home your business was such as not to allow you an opportunity to reply, or that you have replied and the letter has never reached me, or possibly you have thought it prudent on the whole to take no notice of my request. Presuming that some one or more of the foregoing reasons have prevented me from receiving an answer to my request, I have thought proper to address you again on the subject, actuated I trust by the best and purest motives, sincerely desiring peace and amity, but at the same time impelled by a regard for you, the chh., the ministry, and by what I conceive to be a proper self-respect.

That great injustice has been done me is manifest. By whom is uncertain. But it is clear that it has been done either by yourself in your speech in defence of Dr. Scott, before the *Pres. of La.*,—or by the committee of Presbytery in publishing what purports to be your speech on that occasion. All I desire of you is that you inform me, whether the aforesaid speech, published by the authority and sanction of the *La. Pres.* is a *fair* or an *unfair* representation of what you *did actually* say on that occasion? If it be an unfair representation I wish to know it for my own satisfaction and that of my friends. If, however, it be *fair* and *correct*, as the Presbytery have virtually declared it to be, then I feel constrained, out of respect for myself, my profession, the chh., my friends, and the good opinion of the world, to hold you responsible for it. If you will but recur to the printed speech, pages 322 (*bottom*) 323 (*middle*) 324 (*middle*) 325 (*top*) 330 (*middle*) 337 (*bottom*) 338, 358 &c., a few out of many references that might be made of a similar character, I trust that you cannot but perceive, that so great is the injustice done me, that if you allow me to possess even ordinary self-respect, you cannot expect me calmly and quietly to submit to it. Indeed, I presume I should but lower myself in your estimation if I did. Consequently, I feel assured that you need but to have pointed out to you wherein injury has been done me, in your name, to allow you an opportunity to make that prompt and effectual reparation which not only the spirit of christianity, but that high sense of honor which I know you possess, would dictate.

The fact that you are a Lawyer, and were acting in a supposed professional capacity, will neither excuse nor shield you, (even were it supposable you sought such protection,) as you will perceive by a reference to the constitution of our church. Our "Confession of Faith" has no knowledge of "professional counsel" in our courts. They are not "permitted to appear and plead" in such a capacity, as you will learn by reference to the "Discipline" of the chh., chap. IV. sec. XXI. This is a wise prohibition, because it protects the ministers and members of the church from the abuse and defamation of those who are not responsible themselves. Consequently, in the part you took in the defence of Dr. Scott, you acted in the capacity of a *Presbyter only*, and as such you are responsible for every thing you said on that occasion. I make the foregoing suggestions solely from a spirit of kindness, thinking that you may be laboring under a mistaken impression, as to what our Confession of Faith teaches on this subject.

If I can have a declaration from you that the aforesaid printed speech is an *unfair, partial, and incorrect* representation of what you said—showing wherein it

differs from the true one—with the liberty of showing said declaration to my-friends for their satisfaction as well as my own, I shall be satisfied; and there shall be an end of this unpleasant affair so far as I am concerned. But on the contrary, should I not receive such a satisfactory disclaimer from you as aforesaid, I shall feel impelled by urgent incentives already set forth, to seek protection and redress by petitioning the Synod of Mississippi on this subject—which I shall do in a memorial at some length, embracing the history of this whole matter, and exposing the great injustice that has been done me—at the same time praying that body to provide a remedy, which they will probably do, by requiring you to make good your published and uncontradicted charges against me, before my Presbytery—or in some other way extending to me effectual protection against such injurious defamation.

I shall sincerely deplore, however, from various causes, the necessity of such a dernier resort. *First*, I am heartily sick of this profoundly disgraceful affair, from beginning to end. *Second*. It will deeply grieve me to agitate any more the church and people of God on a subject that has already given them so much pain. *Third*. Such a history of this affair as justice to myself will require me to make, will do my particular friend Dr. Scott no good, but might do him much harm. And *Fourth*. I do not desire to trouble you, and incur the displeasure of your friends in New Orleans, &c. &c.

I sincerely trust, dear sir, that I shall have convinced you, that what I do, is *not* from a desire unnecessarily to agitate the church, or to protract a painful excitement—but from an imperious sense of the duty I owe to the church and her ministers, to myself, my family, my friends, and the world.

I shall feel gratified if you will favor me with a prompt answer on this subject. I shall regard your silence, however, as an admission of the *correctness* of the matters of which I complain, and shall proceed in the premises accordingly.

In the mean time I remain your brother in the bonds of the gospel, very truly,

JAS. A. LYON.

Mr. J. A. Maybin, Esq.  
New Orleans, La.

Not long after writing this my second letter, I received an answer from Mr. Maybin written before its reception, informing me that he would examine again his printed and published speech, and write me soon on the subject. Accordingly, in due time after this notice, I received a long letter from him, the substance of which is contained in this my reply, which I here insert for the double purpose of showing the indefatigable efforts I made to settle our differences peaceably, and also to make a statement of facts in vindication of myself, which the developments made by the publication of the “proceedings, &c.,” together with Mr. Maybin’s correspondence with me, render necessary:—

Columbus, Mi: October 9th, 1846.

Mr. J. A. Maybin, Esq.—

Dear Sir,—Both your last favors, the one of August 21st, the other of August 29th, came duly to hand; and as you request an acknowledgement of their reception, as well as propound certain interrogatories which it is to be presumed you expect me to answer, I shall reply somewhat at length, especially as your letters, together with the published “trial of Dr. Scott,” have revealed to my mind some new, and, to me, astounding facts, which justice to myself requires me to notice.



And first, I must confess it was with sincerest sorrow, I perused your last long letter. I had flattered myself that you would be able and willing to give me such an answer as would be satisfactory. All I desired of you was simply to state whether the published report of your speech in defence of Dr. Scott, was a *fair* or an *unfair*, a *correct* or an *incorrect* representation of what you did actually say on that occasion, so far as related to the attack upon me. This I supposed, from what I had learned, was an easy task, a prompt and ingenuous compliance with which would have relieved me from the performance of a disagreeable duty, and saved the church from any other agitation on a subject painful to all its friends. But instead of the satisfactory answer which I had some right to expect, and most earnestly desired might be given, it is far from being satisfactory. This result, however, will give you no surprise: it is just what you expected. You say in the conclusion of your last—"I presume that what I have written will not be satisfactory to you." Moreover, the equivocal character of the language you use, the guarded manner in which you express yourself, and your great inability to remember what you did say in the aforesaid speech, render it impossible for me to determine what construction you intend I shall place on your reply. You say in your letter of August the 29th:—"I will now answer your question as specifically as the case will admit. You ask me if the published report of my speech is a *fair* or an *unfair* one of what I *actually* did say on the trial of Dr. Scott. At this distance of time, being nearly eight months since its delivery, my first speech occupying six hours if not more, the second about two hours, having only a brief of my points in the first speech, and none at all, and no notes whatever, of the second, tho' Dr. Scott had taken a few on the argument of Mr. Stanton, it is impossible for me to say that the language is altogether reported correctly or not." Here, sir, is the explicit declaration, that, "it is impossible for you to say that the language (of your published speech) is altogether reported correctly or not." Without intending in the slightest to question the correctness of this declaration, I must confess it is to me remarkable, on several accounts, and seems to betray an unaccountable defect of both judgment and memory. For in the first place it is manifest that you had *prepared* yourself most carefully for the defence of Dr. Scott. The occasion was very exciting, and interesting, and well calculated to rivet vividly on the memory, every thing said or done. And not only so, but according to your own admission, you *repeated*, or *reviewed*, on the second day, your argument of the first,—"I resumed, (you say) my argument on the next morning, and in order to refresh the memory of the court, and to preserve the continuity of the argument, I endeavored to review and condense the objections to your testimony," &c. In addition to this, you read a portion of the published speech, as appears from your letter soon after its publication. And yet, after all this, you seem utterly unable to recollect what you did say on that occasion! But, if possible, your *judgment* seems more defective on this subject than your *memory*; for you distinctly state that you spoke "*rapidly*," and that your "first speech occupied *six hours*, if not more"—"the second about two hours"—making *eight* hours in all, and yet it is "impossible for you to say whether" a *report* of that speech, which occupies only about *one hour* in the reading, "is altogether correct or not!!" One would think that a moment's reflection might enable any one safely to judge, that a speech which

required "*eight hours*" rapid speaking to deliver, could not be read in *one* hour.—Indeed, sir, I cannot but be struck with the remarkable defect of your memory in relation to this whole subject, in which we have all been so deeply interested. As an illustration of the correctness of what I say, take a few examples. You say—"I of course cannot remember all which I said, and nothing like it." You speak of the "*impression* on your mind," &c. Your published speech "*appears* to you" so and so. You "think" so and so. "I have no recollection of that part of the speech," &c. "I *presume*, for I cannot now speak with more certainty," &c. "I have *not the slightest recollection* of asking," &c. "I do *not recollect* the language," &c. "I have a *very slight recollection* of saying something," &c. "This is *my impression* about the matter," &c. &c. These and similar admissions on your part, seem to betray a most remarkable defect of memory, insomuch that your letters to me in answer to my inquiries, are, so far as I am capable of judging, a perfect *non committal*. You neither positively *affirm* nor *deny*. 'Tis true, you sometimes seem to cast suspicion on the whole report of the speech. You say in your letter of August 21st: "I never saw the report of my speech till it was published—not a line or word in manuscript or proof-sheet was ever exhibited to me, and I believe I may say, never offered to be exhibited to me."\* And when you read a part of the published speech,—"*the impression on your mind was, that it contained things which you did not say, omitted things which you did say, and transposed other things.*" "It appears to you to be, on the whole, an imperfect, defective, disjointed, and jumbled exhibition of your argument for Dr. Scott." "The Reporter has unintentionally misunderstood and erroneously exhibited your argument in that part," &c., &c., &c. And notwithstanding these and like admissions, "it is impossible for you to say that the language is altogether correctly reported or not." Consequently, I am unable to determine what construction you intend I shall place on your letters, or what inference to draw from them,—whether to regard them as a *disclaimer* of the *fairness* and *correctness* of the reported speech or not, but conclude upon the whole, (especially as you yourself say that you do *not expect* your letters to be "*satisfactory*,") that you do not thus intend them to be understood. I regret, then, exceedingly, the painful necessity I am under to seek redress, for the injury done me by your published speech, at the hands of the

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\* From the quotation here given by Mr. Lyon from Mr. Maybin's letter to him, the impression might be conveyed, that Mr. Maybin was dealt with unfairly respecting the publication of his speech. I therefore give the following statement of facts, on the authority of one of the committee of Presbytery who were appointed to publish the "*proceedings*," &c., in the Trial of Dr. Scott. 1. Reporters were present, with the sanction of Presbytery, to take down the proceedings, speeches, &c. Mr. Maybin's speech was taken by them with his consent. 2. When the proceedings were being published, one of the reporters, at the suggestion of one of the committee, consulted Mr. Maybin, respecting his speech. The reporter requested him to look over his speech in the manuscript before it went to press; Mr. Maybin declined. He then requested him to examine the proof sheets; this he also declined. In both instances, he gave as a reason for declining, his defective eye-sight, adding that he presumed it would be done properly. 3. A few days before the publication appeared, Mr. Maybin conversed on the subject in the presence of several persons, and although he expressed some dissatisfaction at the expected appearance of his speech, yet he *admitted*, in explicit terms, that he had been requested to examine the manuscript and proof sheets of his speech, but had declined it, for the reasons given above. If these facts are denied, I am informed the proof will be given,

Synod of Miss: But as you have intimated, that when you are convinced that you have done me injustice you will not hesitate to make reparation, I will, as it is my sincere and most earnest desire to avoid any unpleasant collision with yourself, and any thing that would unnecessarily distress the church and people of God, once more in the spirit of kindness and christian forbearance, endeavor to present this subject before your mind in its true colors, and to point out to you, wherein you have done me injustice, which I have reason to hope and pray may yet arrest any further proceedings before ecclesiastical courts on this subject,

And first, I will call your attention to the *origin* of this difficulty. You are frequent, liberal, and even *witty* in your charges, that I was the "*originator*" of this difficulty, and the cause of all your troubles; or in the language of your own *classical* wit,—that I am "*the Pandora's box out of which all your troubles have sprung.*" "You were chiefly instrumental," (you affirm) "in bringing Dr. Scott into the position he was in." "But for you, all these agonizing troubles that have agitated the church of Dr. Scott, the public mind, the judicatories of the church, and now bring you and me into this unpleasant correspondence, would never have existed." "You were the author, I do not say intentional, of nearly all if not all our troubles and you could not but have expected that your testimony should be thoroughly dissected on so momentous a point, as the guilt or innocence of our Pastor," &c. &c.

In answer to this, I would say, first—that even had I been the "unintentional" author of all those troubles, that was my misfortune, and no just reason, according to the laws of common humanity, much less of brotherly love, why I should be assailed, traduced, "dissected," and equally injured and distressed. This might be admissible amongst savages, where the "*lex talionis*" prevailed, but not in a civilized and christian community.

But in the second place, since so much importance is attached to this charge, so repeatedly made, I *deny* that I am the "*originator*" of the troubles and difficulties of which you speak. 'Tis true, sir, I have never taken this position before, because I did not wish to appear to criminate Dr. Scott. And it is moreover true that I have sincerely regretted ever having repeated what I had understood Dr. Scott to say relative to Mr. Clay's conduct on board of the boat; and on this account I have reproached myself, and have perhaps appeared to acquiesce in the charge that I was the unwitting and unintentional author of this unfortunate difficulty, which from a spark became a great fire. And you and all the world know, that I have done every thing that honor, religion, or friendship could dictate, to make reparation;—for which I am grieved to say, I have been but so poorly requited at *your* hands! But since you compel me to speak plainly on this subject, I unhesitatingly deny that I am the author of the grievances and troubles of which you charge me. I did repeat, 'tis true, to one or more particular friends in *private* conversation and under *private* circumstances, what I had understood Dr. Scott to say relative to Mr. Clay's conduct on board of the boat; and in *no other* way did I give publicity to this matter, until this report, not by my instrumentality or agency in any form or shape, as will appear in the sequel, reached the public newspapers. And tell me, dear sir, wherein I erred in this? Is there any law, rule, regulation, or custom, that prohibits a man from repeating in common conversation, what he has heard in common conversation, unless secrecy is enjoined? Such a prohibition was never heard of. It would arrest one



of the greatest sources of popular information and of the pleasures of social intercourse. Nay, it would break up the social circle altogether, and reduce mankind to a state of virtual monasticism! Wherein then am I to blame for repeating, in common conversation, what I had thus received? It seems that Dr. Scott frequently spoke of this matter, without enjoining secrecy: why had I not the same privilege? Let me furthermore disclaim being the *sole* author of this report even as handed about in common conversation. The very same report substantially reached this place from Nashville, or its vicinity, representing Dr. Scott as its prime author, before any newspaper publication was made. And it was in consequence of these reports, that Mr. Decherd wrote to Dr. Scott on the subject; to which he replied, not denying that he had seen Mr. Clay playing cards "on the Sabbath"—but of which letter Dr. Scott never gave me any notice. I had not the slightest intimation that such a letter was in this place until it had done all the harm it could do—until my enemies supposed they could detect a discrepancy between Dr. Scott and myself as to the *time* when the said conduct of Mr. Clay should have taken place. *Then* they fabricated out of street rumour a statement of their own, containing the substance of the reports, but miserably caricatured and exaggerated, and published it without my *consent* or *knowledge*. This, sir, is the true origin of the difficulties, &c., which you have so unjustly, not to say ungenerously, attributed to me. If any one, save our mutual enemies, is to blame for the publicity of this report, it is Dr. Scott himself, for writing a letter on such a subject, and under such circumstances, to this place, without my knowledge. Had I known of this letter in time, I have not the shadow of a doubt, but that I could have arrested and prevented all subsequent difficulty on the subject. This first newspaper publication confounded different reports, and miserably misrepresented what I had said—presented me in a false and injurious light,—and did me great injustice. Hence I was compelled in *self-defence*, and in obedience to the advice of my friends, of both political parties, to publish my card of Oct. 3d "in order to correct these misrepresentations." And of this fact, dear sir, you must have been apprised, as it appears from the testimony itself on which you descanted. Hence, when you represent me in your speech and letters as one who—"in the midst of great public excitement, on the eve of the election of the chief magistrate of the nation, caused by rumors of a highly injurious character to one of the candidates, should publish in the newspapers a card detailing the conversation which led to those rumors and excitement, &c. &c."—you do me great injustice—you misrepresent me—I will not say wilfully, as your eye sight is defective—but it has the appearance of being wilful, since such a misrepresentation of the facts, is contradicted by the testimony which lay before you, as well as by other documents in your possession. I trust now, dear sir, that I have convinced you that you have done me injustice in attributing to me, the "origin" and "authorship" of the troubles, &c., growing out of this difficulty.

Another ground on which you assail me is that I had—"no distinct recollection of the time, the place, the circumstances and particulars of the conversation, &c."—One would scarcely think that you would have the courage to assail a man for a defective memory, when you have manifested such a remarkable failing in that faculty yourself. But this aside, I must regard this a most flimsy pretence on which to attack a clergyman's character. Why, sir, should I have "a distinct recollection?"

of the time, place, and circumstances of this, any more than any other conversation? At the time this last conversation took place, the subject of politics was exciting to the utmost extent the public mind—it was the theme of constant conversation. The merits and demerits of Mr. Clay, his virtues and vices were discussed every hour in the day, in steamboats, stage coaches, rail road cars, canal packets, hotels, and every where. There was nothing remarkable in the charge that Mr. Clay played cards, or gambled, or broke the Sabbath, or showed contempt for public worship, or did worse. Such charges I heard almost every day and hour during the summer that Dr. Scott and myself travelled together. The only thing remarkable about this particular charge, was that Dr. Scott, my *friend*, my *companion*, my *classmate*, and brother minister had been an eye-witness to it. This impressed my mind, and this I recollected. But that I should not have a very distinct recollection of the time, place, and circumstances, is by no means remarkable, nor indicative of a defective or even careless memory. And were I disposed to be witty on a serious subject, I would express my astonishment that one who could not recollect whether a printed speech which it takes but one hour to read, was the same which it took him six or eight hours rapid speaking to deliver, should make a supposed defective memory a ground for assailing the testimony of a minister of the gospel!

Nearly allied to the above charge of a defective memory, and perhaps a part and parcel of the same, is the assertion on your part, contained both in your speech and letters, that I am “contradicted by Dr. Scott when the place is designated”—alluding I presume to that part of the testimony where I state that I have “a slight impression” that the last time I heard Dr. Scott speak on this subject, was somewhere between St. Louis and Memphis, on our return home. I am at a loss to know by what *authority* you make that assertion. I am not able to find any such “contradiction” in the evidence given on trial. If it be there it has escaped my notice. Your information, therefore, on this subject, I presume must have been of a private and unlegalized character. And moreover, suppose, dear sir, there was a “contradiction,” whose word is to be taken?—and whose testimony preferred? Mine is *positive*, his *negative*. The presumption of the law therefore is if I mistake not, that he has forgotten. He may have spoken of this matter “to the far north,” for aught I know, since it appears he has spoken of it at divers times and in divers places; but this is no evidence that he did not also speak of it again at or near St. Louis or Memphis. This accords with the *impression* of both Dr. Scott and myself, We have talked this matter over, and Dr. Scott himself recollects that in speaking of this subject, (he thinks somewhere in or about or near the above named places,) I made a remark, or an exclamation, or in some other way expressed my feelings, opinion, or understanding, which he says “he has often regretted he did not then request me to explain.” And it is the opinion of both of us, if I am not mistaken,—and for my own part I have not a doubt of it,—that the impression was then and there made on my mind, that Mr. Clay “played cards on *Sabbath morning*.”

Once more. In your summary of the grounds on which you attacked my testimony you say that—“I contradict myself, or very much like it”—that “I appear” to contradict myself, &c. You do not assert positively in your letters to me, that I “contradict myself,” but that I “*seem*” or “*appear*” to do so. Let me ask, dear sir, if the “*appearance*” of contradiction is a sufficient ground for assailing any

man's testimony, much less that of an Ambassador of Jesus Christ, whose office it is to win souls, and persuade men to be reconciled to God? Is there any conceivable emergency that would justify such an attack on such grounds? This would scarcely be tolerated in the common courts of our country in the conduct of a common lawyer, making no pretensions to be governed by the holy sanctions of christianity. How, then, do you suppose it will appear in the conduct not only of a professed christian, but of an office-bearer in the church of God, in assailing the character—not of a common vagabond—not of a brother christian merely—not of the devoted friend of your friend and pastor only—but of a clergyman and minister of the same church and denomination with yourself?! I know not how my testimony may “seem” or “appear” to your understanding; but I can inform you that it has been subjected to the scrutiny of counsel possibly as able, learned, and discriminating as yourself,—which, doubtless, is saying a great deal for them,—and not only so, but it has come under the careful review and examination of the officers of my church, and of my presbytery, one of the largest and most respectable in the Synod; all of whom pronounce it an accurate, consistent, and ingenuous testimony. And, sir, I defy you, or any other assailer of minister's testimonies, to pick out or detect by honest and fair examination, the slightest inaccuracy or inconsistency that would in the least degree invalidate it, in the estimation of honest, unprejudiced, and capable men.

We shall now advance another step in the history of this affair. You charge me with not having taken sufficient pains to ascertain whether I had correctly understood Dr. Scott or not. You say—“I particularly commented on your not having employed all the means which you might to have been certain of the correctness of your version of Dr. Scott's statement before the publication of your card of Oct. 3d, before you started to Synod.” In answer to this, allow me to remind you in the first place, that the publication of that card was due to myself *alone*. The question was not what Dr. Scott had said; but what I had *reported* him to have said. In this I had been misunderstood, misrepresented, caricatured, and otherwise slandered by the public print. It was due to myself *immediately* to correct these misrepresentations, &c. which were calculated to do me much harm—and hence the publication of my card.

In the next place, I had no reasonable doubt as to my understanding of what Dr. Scott had said. I did not question in my own mind one part of the story more than another. Why, then, should I wait to see or hear from Dr. Scott, to ascertain whether I had understood him correctly or not? But, sir, I would inform you that I *did* take immediate measures to apprise Dr. Scott of all that was going on here. The first newspaper publication containing the fabricated and exaggerated statement, was sent to him so soon as it came out.\* I also sent him my card which came out in the next paper, and with it a *letter* on the subject, calling his attention particularly to the whole difficulty. In confirmation of the above statement, dear sir, as you seem to doubt my *memory*, I have before me a letter in Dr.

\* It appears, by reference to publications previously made, that the “newspaper publication” above alluded to, appeared as early as the “26th of September, 1844,” (see page 34 of this pamphlet,)—and Mr. Lyon here states that he “sent” the paper to Dr. Scott immediately; and also a letter, calling his attention particularly to the whole difficulty—to which Dr. Scott replied under date of “October 9th, 1844”—but made no correction.



Scott's own hand-writing, dated "9th October 1844, New Orleans," in which he acknowledges the reception of the "Columbus Whig," containing the aforesaid report, charges, abuse, &c.—in which he expresses himself strongly against the abusive Editors, and complains of the conduct of Mr. Decherd in showing his private letter, &c. &c.—but he does not *intimate* that he had been *misunderstood* or *misrepresented*. But further still,—when Dr. Scott and myself met at Synod some two weeks after the date of this letter, the subject was again introduced, and some conversation had,—not a great deal was said, however, from the fact that we had but little opportunity to converse on the subject—it was a disagreeable and mortifying theme to both of us. (And in addition to this, I had good reason to believe that the whole matter was quieted. And it would have remained so, no doubt, but from the fact, that in the mean time a letter was received from Henry Clay by two young men, who had *privately*, and of their own accord, as I have been informed, fabricated a statement of their own out of street rumour, sent it to Henry Clay, in quotation marks, as *my* statement, and requested his answer to the same, which came to hand during my absence at Synod, which revived the excitement.) Nevertheless, we conversed two or three times on this subject, when I informed Dr. Scott of the harm our enemies were trying to make out of his letter to Mr. Decherd, the publication of which had been called for by my friends, but which had been refused on the ground that it was "*a private letter*" &c. I therefore requested Dr. Scott to give me a written order for the letter, so that, if occasion should thereafter demand it, I could publish it. This written order he gave me, but he did not *hint*, or in any wise intimate that I had misunderstood or misrepresented him. You will perceive, dear sir, that I had good reason to believe that I had correctly represented Dr. Scott, and consequently that you have done me injustice in representing me, as careless and indifferent, as to whether I had correctly represented Dr. Scott or not.

We shall now pass on to another very interesting point in this history. You say in your printed speech, (pages 323, 325)—"I cannot see any thing worth crediting in a man's evidence who comes into court and says that he heard Dr. Scott say so and so, and then afterwards thinks he misunderstood him."—"He takes the child of his own formation and destroys it."—If such language had been used by infidels, and corrupt unprincipled men, whose object was not truth, but to make one minister destroy another, I should not have been so much surprised—nay, it is just what I have been accustomed to hear from such characters. But when this hue and cry, or rather sneer, is used by a professed christian, an office-bearer in the house of God, and an Elder in the Presbyterian church, in relation to a minister of the Gospel, I confess to you, dear sir, that my amazement can only be equalled by my mortification. The natural inference from such language, is that you, instead of being rejoiced, are actually vexed, that Dr. Scott and myself could explain and reconcile this difficulty without impugning each others motives, or impeaching each others moral character! I cannot believe, however, that this, tho' the legitimate, is the intentional, meaning of your words. Such language, nevertheless, imposes on me the necessity of justifying myself in the position I took when I professed to be "satisfied" that I had misunderstood the *meaning* of Dr. Scott.

Let me say then in the first place, that the very fact that Dr. Scott was a clergyman, and a minister of Jesus Christ, is presumptive evidence that he would not wil

fully misrepresent the truth. Again—I was intimately acquainted with Dr. Scott, and had the utmost confidence in his integrity, inasmuch that his simple declaration that he did not *intend* to make a wrong impression on my mind, would under ordinary circumstances be satisfactory. In this consists the very value of a *good character*. If *character* will not defend a man under such circumstances, pray what is it worth? If we could always have the *facts, proofs, and explanations* at hand, then we should not need a character to sustain and shield us:—the *facts, proofs, &c.*, would be amply sufficient without it. The inestimable value of character—its majesty and sublimity,—consist in its being a moral “Aegis,” “a wall of defence,” that will protect us in the absence of other defence and protection. Therefore, believing Dr. Scott to be a good man, his simple declaration, under ordinary circumstances, ought to be “*satisfactory*” to all those who place any faith in *the value of character*.

But my conviction of the innocence of Dr. Scott, did not rest alone on this. He attempted to explain how the mistake occurred. A different explanation presented itself to my own mind, either of which, (notwithstanding your potent ridicule on this subject,) I think ought to be “satisfactory” to any one, who was willing and anxious to be convinced. Moreover, every man in the whole world has a right to *explain* what he means by his words. Nothing but the bloody inquisition of “the Dark Ages” could wrest from him this privilege. So long as human speech is defective, and not a perfect transcript of the human mind, and so long as man is not a discernor of the thoughts and intents of the heart of his fellow man, so certainly *mistakes* will sometimes occur. This is verified every day, and in all our intercourse amongst men. Why then should it be thought an incredible thing that a mistake should occur between Dr. Scott and myself?

But in addition to all this, dear sir, I carefully investigated the matter, and took pains to satisfy my mind wherever a difficulty presented itself. So soon as I received Dr. Scott’s letter of November 2d, 1844, apprising me for the *first* time, that I had misunderstood him, relative to Mr. Clay’s playing cards “*on Sabbath morning*,” (which to me was very astonishing, as well as mortifying information, for I then saw the handle that enemies would make of this,) I then wrote to Dr. Scott, requesting him, as well as I can recollect, (for I kept no copy,) to explain *first*—Why he did not apprise me of this misunderstanding in his letter of “October 9th?”—*Second*—Why he did not disabuse my mind *at Synod*? *Third*—Why he did not fully answer *Mr. Decherd’s letter*? To these inquiries, Dr. Scott rendered, to my mind, “satisfactory” answers and explanations. I have before me a letter from him dated “November 28, 1844, New Orleans,”—in which he incloses Mr. Decherd’s letter, and explains why he did *not* answer it fully—“supposing by time he meant—was it eighteen months or two years ago—and not as to what day of the week.” In the same letter he explains why he did not mention this matter at Synod—He says: “Now as to why I did not mention this to you at Synod—1, We had but very little conversation on the subject. 2, You never mentioned that point—playing on Sabbath. 3, I did not know that any thing was wanted from me on that point. I was reluctant to say any thing on the subject. 4, I learned from you that the whole thing was dead—I did not wish to raise it.”

I hope that you now perceive plainly, that I had the very best of reasons to be "*satisfied*" of the innocence of Dr. Scott, and that the humiliating charge, or rather sneer, that you have made in common with infidels and scoffers, that I was too *easily* satisfied—and that "you cannot see any thing worth crediting in a man's evidence who comes into court and says that he heard Dr. Scott say so and so, and then afterwards thinks he misunderstood him"—does me as well as yourself great injustice.

There are only two remaining points on which you have assailed me, that I feel it to be necessary to notice on the present occasion. The first relates to the charge, which I and all my friends have always promptly and decidedly repudiated, that of being "a violent political partizan," &c. This charge, sir, I have always repudiated with indignation. I regard it as the most injurious and dishonorable charge that has ever been made by my most malignant enemies. It is utterly baseless and false, nay slanderous. Language would not express my contempt and scorn for the clergyman, engaged in pastoral duties, who should descend from his high and holy vocation, to dabble in the filth and scum of party politics. I fearlessly defy you, or any other man in the whole world, to point to a *single instance* in which I have exhibited myself as a "*violent political partizan*." The fact is—so far is this degrading and vile charge from being true, that I never attend political meetings of any kind—not even mass meetings, where even ladies as well as gentlemen, are privileged to attend. I but seldom vote—and never voted strictly a party vote in my life. And up to the time this artful and injurious charge was first made in the public prints by individuals of no standing or respectability in this community, strange to tell, but few of my most intimate associates knew what my political partialities were. These facts can be attested by this community, and all who know me. So that when you charge me with being "a violent political partizan," (which erroneous impression of yours, I fear has had too much to do with your attack on me,) you do that which is not only well calculated to injure and to prejudice my usefulness, but you add insult to injury.

The only remaining point, and which you seem to consider the strongest of all, relates to my refusal to produce the *private* letters of my friends when called for by the prosecution. In your enumeration of the strong points on which you say, "I subjected myself to be attacked with propriety and force," you make the following statement: "3dly. And especially, you refused to produce on trial the letters of your correspondents, or show those parts which bore on the case:—was such a refusal, I most respectfully ask, generous in you to your friend Dr. Scott, who was brought, through you into so much trouble, when they would have probably strengthened his case on that point, though they might have borne hard upon yourself?" This, sir is to me a very astounding charge, and demands the following statement of facts. When I was first informed by Dr. Scott, by his letter to me of "November 2d, 1844," that there was a misunderstanding between us on the subject of Mr. Clay's playing cards on "*Sabbath morning*," I recollected that I had conversed with two gentlemen, and only two during our summer's travel together, on this subject. Accordingly I wrote to them to ascertain whether they had conversed with Dr. Scott on the subject, and what their recollec-



tions of the conversation were. In due time I received answers from both these correspondents—one stating that he *had* conversed with Dr. Scott on the subject—the other that he had *not*. These were *private* letters, obtained for my own private satisfaction ; and no one had a right to call for them, or to expect me to produce them : first, because they were *private*, obtained for private purposes—second, if produced, it might have subjected one of the correspondents to unpleasant, as well as unexpected difficulty ;—and third, the letters were capable of being misrepresented by malicious persons who I well knew would not fail to seize on the opportunity to the injury of both Dr. Scott and myself. These reasons, sir, I hesitate not to believe will justify me in the eyes of all impartial judges in the course I took. But there is one reason yet behind, more potent than any of the preceding. It is this :—When Dr. Scott arrived in Columbus, previous to the commencement of his trial, I took him to my study, and exhibited to him, *confidentially*, these very letters, and told him, that notwithstanding I felt under no obligations, whatever, to produce them, and was confident my enemies in this place would try to misrepresent one of them to my injury, yet after all, for his sake, if he desired it, I would take upon myself the responsibility and produce them. He did not decide at that time, but afterwards desired that I should produce *one* of the letters, and withhold the *other* which detailed the account of the conversation had with himself. I explained to him, why this could not be done. I again exhibited the letters to him, and he once more perused their contents, said that one of them might be used to his injury by his enemies, and advised me decidedly and emphatically *not to produce them*. And in obedience to this advice, as well as my own sense of propriety, I pursued the course I did, which afterwards received his most cordial commendation. These, sir, are the simple facts in the case ;—and should they be called in question, which I do not for a moment expect, I have no witness to establish them ; but the revelations of the judgment day, to which I appeal, will verify them just as I have stated. How *you* came by the partial knowledge of the contents of these private letters, so as to feel at liberty to use it to my injury, is beyond my capacity to divine, since it would be doing Dr. Scott too great an injustice to suppose for a moment that he would have made the revelation under all the circumstances of the case.\*

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\*If ever there was disgraceful collusion between men to keep back the truth, here is furnished the most conclusive proof of it, between this witness and the accused, taking this *confession* to be true. 1st. They conspired to withhold letters, which unquestionably would have thrown light on the main charge on trial. 2d. One of these letters, would undoubtedly, have furnished testimony to the truth of the main charge against the accused, as he “ said ” it “ might be used to his injury by his enemies,” and therefore he “ advised ” the witness “ decidedly and emphatically not to produce them.” The witness therefore withheld them, and his course “ afterwards received ” from the accused, “ his most cordial commendation.” 3d. Besides the above, this “ advice ” and “ commendation ” of the accused, (as before stated in this pamphlet,) directly contradicts the statement of the accused to the Presbytery, (*Trial p. 33.*) that he was “ very anxious ” to bring these very letters “ into Presbytery, and that he would do all he could to bring them before the body.” These revelations place the accused in a most unenviable light. But they also place the witness in an equally unfortunate predicament. 1st. He shows the accused these letters, and offers, notwithstanding they are “ private ” letters, to “ take the responsibility and produce them.” 2d. But the accused objects. The witness then refuses to produce them, *giving the reason* that they are “ private ” letters from “ private ” individuals, and he does “ not feel at liberty to betray

Having gone over all the main points on which you have assailed me and my testimony, I cannot but indulge the gratifying hope that I have succeeded in exhibiting to you the great injustice you have, (I trust, unintentionally,) done me, and therefore, may reasonably expect that prompt and effectual reparation, which I have understood you to promise.

As I have, I think with some degree of patience and forbearance, borne, met and answered, your attacks upon me, may I not expect the same indulgence whilst I point out a few particulars, wherein I think you have subjected yourself to censure in your conduct towards me?

In the first place, I blame you for premeditating and perpetrating an attack on me, on so important and interesting an occasion, behind my back, and without my knowledge or most distant expectation, so as to preclude the possibility of my being present, to hear, to explain, to defend, and otherwise protect, that which is dearer to me than life, my character. Would not such conduct be pronounced ungallant in the field, dishonorable in the council chamber, infamous in the exchange, and reprehensible every where, to say nothing of the violation of those high and holy principles of brotherly love, which require us to do unto others as we would have others do unto us?

In the next place, it seems to me, judging from the style, manner, and contents, of your speech in the case of the trial of Dr. Scott, that you not only forgot the *place* where you were, but the *sacred character* you bore. Instead of remembering that you were in the court of Jesus Christ, and that you yourself appeared not as "a legal counsellor," which our confession of Faith forbids, but as "a *Presbyter*," and a member of that body, dealing with the characters of ministers of religion, you imagined yourself at the common bar of the country, in your capacity as a common lawyer, dealing with culprits and vagabonds! On no other supposition can I satisfactorily explain the drift of your argument, the character of your language, and especially the unreasonable, not to say low wit, so frequently introduced on so solemn an occasion, and in the presence of a body of serious and grave divines! Doubtless, this was the first time you ever appeared in Presbytery as an "ecclesiastical counsel," and therefore much allowance is to be made for your language, your wit, &c., from long custom and the force of habit.

In the third place, you seem to have misunderstood altogether the true nature of a minister's character. A clergyman's character is *two-fold*—*personal*, and *official*, and you may destroy the one without injuring the other:—that is, you may leave

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their confidence," &c. (*Trial p. 33.*) And yet the witness had just before said to the accused, privately, *according to his own confession*, here made, that he would "take the responsibility and produce them" "*if he (the accused) desired it.*" This shows that the reason which the witness gave the court for withholding the letters, was *not* the reason which influenced him. It was *not the privacy of the letters*—but the *pleasure of the accused* which stood in his way. From the witness' own showing, the *opposition of the accused* was the "more potent" reason and the one he kept "behind!" 3d. Does Mr. Lyon really believe, what he here intimates, that Dr. Scott did not make "the revelation" to Mr. Maybin of "the partial knowledge of the contents of these private letters," "exhibited to him confidentially?" Who else could have made it? 4th. These disclosures about these letters, besides other important letters now brought to light, were made *after* the trial was over, by a witness who knew them *at the time of trial*, and who had taken a solemn oath, to tell "the truth, the whole truth, and nothing but the truth, according to the best of his knowledge!"

untouched his *moral character* as a man, a citizen, a neighbor, and at the same time ruin his *clerical character*, and effectually destroy his usefulness. This is what, it seems to me, you attempted in my case. You repeatedly disclaim making any attack upon my moral character,—nay, you say many fine things in relation to my standing as a minister, &c.—but at the same time you ridicule, make charges, and otherwise assail me, in such a way as to destroy, if possible, my ministerial reputation and usefulness. And if I have not sustained injury in consequence of the course you have pursued towards me, (which I have reason to believe I have not,) it has not been because you did not use the means to inflict it.

In the fourth place, your cruel attack, according to your own acknowledgments, was unnecessary, wanton, and gratuitous, and betrays to my mind, an unaccountable and fearful degree of prejudice, of the existence of which, perhaps you yourself were not aware. In proof of this, I would remind you, that our “Book of Discipline” (ch. VI. sec. 6,) declares—“That the testimony of more than *one* witness is necessary to establish any charge.” You acknowledge explicitly, that—“I was the *only* witness for the prosecution to establish the charge against Dr. Scott, about the card playing by Mr. Clay, on Sabbath morning.” Where, then, I ask, was the *necessity* of attacking me and my testimony, even supposing it had been *adverse* to Dr. Scott, whereas, in truth, it was decidedly in his *favor*? But, sir, you admit that my testimony did *not* condemn Dr. Scott. “You acknowledge,” you say, “in and out of court, that you were in error as to the statements of Dr. Scott—that you were satisfied that you were in such an error, and that your belief now was different.” This, sir, you admit to be part of the testimony. So that indeed it *acquits* rather than *condemns* the accused. If, therefore, I was “the *only* witness,” (whereas the constitution requires *two*,) and if my testimony did *not* condemn but acquit the accused, as you admit, where in the name of justice, humanity, brotherly love, friendship, and every other social principle that should govern the intercourse between man and man, was the *necessity* for attacking me and my testimony, and by ridicule, misrepresentation, caricature and all the tricks and devices characteristic of the legal profession, trying to “fix on me the brand that is marked in the forehead of Cain?” I feel that I am clearly justifiable in pronouncing your attack *unnecessary*, *wanton* and *gratuitous*, which can only be accounted for by the existence of a fearful amount of prejudice, and a disposition, perhaps unconscious to yourself, to retaliate the supposed injury done to Dr. Scott.

Once more, it appears to me that you manifest a reprehensible *carelessness* and *indifference* as to the amount of injury you may have been the willing or the unwilling instrument in inflicting upon me. You inform me as late as August the 21st, that—“You never saw the report of your speech till it was published”—and that even “your published speech you had never entirely had read to you”—and the little that was read, “made the impression upon your mind that it contained things which you did not say—omitted things that you did say,—and transposed other things.” From this it is plainly to be inferred that you had but little regard for the injury your speech might do my character;—and that you took no pains to ascertain whether these “additions,” “omissions,” and “transpositions,” were calculated to do me harm or not. Nay—you say to me in your letter of August the



29th, that you do not admit, "any declarations or language which have the appearance of imputing to you wilful or intentional disregard of truth, or any wilful or intentional wrong,"—and yet, sir, it is manifest that your published speech does contain many such imputations, which you have never corrected nor publicly disclaimed. Indeed, you acknowledge as much in your last letter, (page 5th.) You say—"The reporter has unintentionally misunderstood and erroneously exhibited my argument in that part, because it has the appearance of imputing to you wilful wrong." Here, dear sir, is the frank acknowledgment that injury is done me in your name, and yet you have never taken any steps to make reparation, or to rectify the wrong! Hence I maintain that I have good reason to conclude that you manifest a reprehensible carelessness and indifference as to the amount of injury you may be instrumental in doing me.

I shall conclude this hasty review by animadverting on one other cause of complaint. It is that of *trifling* with the *sacredness of personal friendship*. If there be pure enjoyment, aside from that of religion, to be found in this vale of tears, it proceeds from confiding, unalloyed friendship. If there is such a thing as unmitigated anguish, aside from that which proceeds from a guilty, upbraiding conscience, it is caused by discovering that our confidence has been misplaced, and our friendship lightly esteemed. Indeed, so rare is this precious jewel, that philosophers have taught, and poets sung, that it was but a "name," a "charm," a "shade," that had no real existence. I should consider it a great misfortune for any one to have his scepticism in this cruel sentiment shaken,—since if it be true, *ignorance* in this instance, would be productive of more happiness than knowledge. And yet the natural tendency of the course you pursued, was to shake, if not directly to break down and destroy, the long, close, and intimate friendship that had existed between Dr. Scott and myself from our youth up! Every body knew that I was the fast, firm, tried, and dauntless friend of Dr. Scott—that I had fearlessly maintained his cause, advocated his innocence, and defended his character, under all circumstances, and at all times, both publicly and privately. This I did contrary to the advice of some, under the frowns of others, and at the imminent hazard of losing some of the best pew-holders in my church. But I yielded not in the slightest degree in my zeal for Dr. Scott. I was his friend, his professed friend, his real and devoted friend, and I acted according to that profession. Had I swerved in the hour of trial—had I faltered in view of danger, real or imaginary—had I been frightened into silence or connivance at what I believed to be injustice to my friend,—I should forever have forfeited my own self-respect, and with it the respect of all the truly honorable and noble amongst men. As I had befriended Dr. Scott to the utmost extent of my ability, I expected a similar return from him. This was promised. My last parting request, when he left this place, was that he would see that no injustice was done me in my absence. This he solemnly pledged to do. I followed him with letters renewing the same request. He answered that it should be attended to. What, therefore, dear sir, think you, must have been my amazement, when the startling fact was at last forced upon my mind, that you, his *friend*, his *elder*, his *counsellor*, and *adviser* and his REPRESENTATIVE, made the assault upon my testimony, and by ridicule, wit, caricature, "*et cetera*," attempted to "*fix on me the brand that is*

*marked upon the forehead of Cain!*" When this rumor, so unexpected and improbable, not to say unnatural, and monstrous, first reached my ears, I was as a deaf man, I heard it not, I believed it not for a moment, I regarded it as a most egregious slander upon Dr. Scott, (whose approbation, I am happy to learn, you did not receive in the course you pursued.\*) But at last when the cruel conviction was riven into my heart, and I was forced without the possibility of escaping from the dreadful conclusion, to believe the report to be true, language is inadequate to express either the amazement or the grief I then experienced.

I am now done. At all events I shall here end my imperfect review. I regret very much that time and circumstances will not allow me to be more full and complete in my statement of facts, which I feel sure that justice to myself requires. But lest I should weary your patience on this, to you "disgusting affair, on which you will have no more correspondence," I will here stop. I have written what I have written in haste, and with much difficulty, as I am and have been in very feeble health. I have endeavored to say what I have said in the spirit of kindness and christian forbearance. 'Tis true, I have penned much of it under a *deep sense* of the injury attempted to be done me; and if expressions have escaped me that seem sharp or disrespectful, I trust you will have generosity enough to make all due allowance, for I assure you that I have endeavored to avoid giving you unnecessary offence.

I cannot but hope, dear sir, that I have succeeded in convincing you, that great injustice is done me by your published speech; and consequently, that you will make that effectual reparation which will put an end to all further agitation on this unhappy affair, so far as I am concerned. But on the contrary, let me say to you, without intending it in any wise as a threat, but solely for the purpose of giving you *fair and honorable* notice of my intention, that without such reparation as will be satisfactory, I shall feel painfully and reluctantly constrained to seek advice and redress at the hands of the Synod of Mississippi. Such a course I conceive to be imperiously demanded, *first*, in justice to myself, whose happiness and usefulness depend upon a fair name and an unsullied character, which it has always been my prayer and effort to maintain;—and second, out of regard for the sacred profession of which I am but an humble member. If the wise and salutary provision of our constitution is set aside, and pleaders, stump-orators, and characters distinguished only for their abilities to misrepresent, traduce, vilify, and defame, are admitted into our "ecclesiastical courts" to assail the character and injure the reputation of the ministers of Jesus Christ with impunity, without being held responsible for what they say, then sir, I maintain that no one is safe! Any clergyman, it matters not how high his standing, and how fair his reputation, is liable at any time to be dragged to trial, and the bar of the criminal courts called on to produce one to destroy him! But, sir, I humbly trust, and sincerely believe, that there is not a single min-

\* It is very well known to the members of the court present, that Dr. Scott *aided* his counsel, by taking notes, making references, reading portions of the testimony when called on, and in other ways assisting, as the counsel was severely handling Mr. Lyon's testimony; while no symptom of disapprobation at the course of the counsel was manifested, so far as members perceived—on the contrary, some of the court noted the reverse of this at the time, and it was afterwards remarked upon by them, with surprise. This is susceptible of the clearest proof.

ister belonging to our church, it matters not how humble or obscure he may be, that would submit to any such outrageous infraction upon our constitution.

I regret that continued ill health, and pressing duties have unavoidably prevented me from making an earlier acknowledgment of yours of the 29th August.

I am, dear sir, very respectfully, your brother in the bonds of the Gospel of Jesus Christ.

JAS. A. LYON.

Columbus, Miss.,

October 9, 1846.

I have received no intimation from the said J. A. Maybin, Esq., that he is disposed to make that reparation, which your memorialist conceives to be due, not only to himself individually, but to the said profession of which I am but an humble member. I would therefore respectfully inform you, that the said J. A. Maybin, an elder in the First Presbyterian chh. in the city of New-Orleans, and residing within the bounds of Louisiana Presbytery, did, in his speech in the defence of Dr. Scott before the aforesaid Presbytery, at the time and place already set forth, attack my testimony in my absence and without my knowledge, and did *caricature, misrepresent* and *falsely* exhibit the same to my injury and detriment. For illustration—In his printed speech, published with the “proceedings, &c.” of the Louisiana Presbytery, page 322, of the “proceedings,” &c., he says—“First, he” (Mr. Lyon) “states he had a conversation with Dr. Scott in 1843; says his recollection is very indistinct on this point; then thinks his mind is not clear, and then thinks he had but one conversation on this subject, and that was in 1844.” This, your memorialist affirms to be *incorrect, false, and slanderous*, and is palpably contradicted by the evidence which lay before him. (See answer to question 11th.)

Again on page 323, the following statements occur, viz:—“Mr Lyon had but one conversation with Dr. Scott; he never had but one conversation with him on the subject, and he says that in that conversation he heard him say that he saw Mr. Clay playing cards on the Sabbath.” Again on the same page he says—“He” (Mr. Lyon) “comes to court, says he did hear him say so, and afterwards that he did not hear him. Who would give credit to the testimony of that individual?”—These declarations are utterly untrue, as will appear by examining the testimony. Once more, on page 324, the following language is used, viz:—“Look to interrogatories 26 and 27, (Qu. 26,) Did you relate this conversation to any person at any time? (Ans.) I do not recollect relating any part of it. (Qu. 27.) Did you relate to any person that part of it about Mr. Clay’s playing cards on the Sabbath? (Ans.) I did.” This is a manifest perversion and misrepresentation, as will appear by reference to the very answers which he pretends to quote. These are *specimens* of what your memorialist conceives to be his *incorrect, false, and slanderous* statements, as contained in the aforesaid printed and published speech, as will appear by an examination of the evidence given in the case, which your memorialist requests the Synod to examine for their own satisfaction.

In view of the foregoing facts and considerations, your memorialist begs leave respectfully to submit to your reverend body the following overtures, viz:—

1. Is it allowable, according to the spirit of our constitution, whose object it is, whilst it excludes the guilty, at the same time to extend effectual protection to the innocent, for any one to comment upon the testimony or conduct of any member or



minister of the church, to the injury of his character or reputation, without giving said party due notice, so as to allow of his presence, and an opportunity to explain and defend?

2. If allowable thus to comment, &c., is not the party thus assailing and commenting, &c., responsible to the party injured, and to the church, for all that he says on such occasions?

3. And if responsible, what would be the proper course to pursue, in relation to the attack and false charges made against me by J. A. Maybin, Esq., since my Presbytery, at my own request, examined my testimony, and—"after full investigation, are satisfied that it is *not* either *inaccurate* or *inconsistent*"—thus virtually pronouncing the aforesaid charges of the said Joseph A. Maybin, Esq., untrue?

I beg leave, in conclusion, to state distinctly, that my object in propounding the foregoing overtures, is *not* that Mr. Maybin be tried, harrassed, or distressed. I trust I have forgiven him the injury he attempted to do me, not only because this is a dictate of the holy principles of christianity, by which I profess to be governed, but also because I believe he made the attack under a mistaken view of his prerogative as a *presbyter*, thinking it was equally extensive and unrestricted as his prerogative as a common lawyer at the common bar of the country. But my only object is that such an exposition of the constitution may be given, and such a precedent established, as will hereafter preserve the integrity of our constitution, and protect the members and ministers of the church from unexpected, injurious, and wanton defamation.

All which is respectfully submitted.

Your brother in ecclesiastical bonds,

Very sincerely,

JAMES A. LYON.

The foregoing is a true copy of a memorial of Bp. James A. Lyon, addressed to the Synod of Mississippi, and placed on their files.

Attest: J. H. VAN COURT,

*Stated Clerk.*

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The important disclosures of the foregoing memorial—bringing to light numerous letters and facts, (after the trial was ended by the Presbytery of Louisiana,) which, had they been known at the time of trial, would unquestionably have produced a verdict of *guilty* on some of the points charged—these disclosures were made to the Synod of Mississippi, by Mr. Lyon, in October, 1846—*more than a year ago*. The letter embodied in this memorial, which embraces the gist of the whole, is dated "October 9th, 1846," and is addressed to Joseph A. Maybin, Esq., Dr. Scott's counsel in the case, and a Ruling Elder in his church. Mr. Maybin, no doubt, received that letter, by due course of mail. Mr. Lyon stated at the Synod of 1846, (as I have been informed,) that he accompanied the letter with a request, that Mr. Maybin would show it to Dr. Scott. He stated, also, that he wrote Dr. Scott, immediately, urging him to call on Mr. Maybin and see the letter. Both Dr. Scott and Mr. Maybin, therefore, were definitely informed of Mr. Lyon's developments, by Mr. Lyon himself, before he presented his memorial to the Synod. Besides this, both Dr. Scott and Mr. Maybin knew, soon after the meeting of the Synod of 1846, that Mr. Lyon's memorial had been laid before that body. Indeed, the whole religious public may have known this, as the proceedings of Synod thereon, were published in the "*Protestant*," of New Orleans, and other religious newspapers, immediately after the adjournment of the Synod. Thus it appears, that Dr. Scott, and at least one of his Elders, (and probably all of them, and other principal men in his church,) have had ample knowledge of all these disclosures *for more than a twelvemonth*—disclosures, which, in the esteem of many of his ministerial brethren, fix

upon Dr. Scott in several instances, the guilt of wilful falsehood, provided Mr. Lyon gives a true representation of Dr. Scott's letters, &c., which he says he has in his "possession," and in "Dr. Scott's own hand-writing." It is fair to presume, also, that Dr. Scott well knows that his ministerial brethren entertain such views; and that they feel that religion, through him, is thus greatly suffering, and will continue to suffer, till these grave charges shall have been investigated.

Now, the point to which I wish to bring these facts, is this:—Admitting that the Synod of Mississippi and the last General Assembly, have neglected their duty, (as I think I have shown,) in not ordering an investigation of these new points, which have never come before the Presbytery, and were not known till after its verdict was rendered—has there been any wish expressed, or movement made by Dr. Scott himself, to have these new and grave issues in which his character is thus compromised, ecclesiastically investigated and settled? Have any of his officers or members, expressed any such wish, or do they feel any anxiety? Is it not as plain as if it were written in the light of a sunbeam, and with the point of a diamond, that, through Dr. Scott, religion *must* suffer, while these things remain as they are? How long are they willing that they should so remain? Must an intelligent and high-minded community be forced to the conclusion, that, as they have permitted them to sleep during a whole year, with the facts well known, they will let them remain forever? If I were permitted to record a prophecy, I should give it as my opinion, and the opinion of many well acquainted with the case, that neither Dr. Scott, nor any of the officers of his church,—WHO WELL KNOW THE FACTS—will ever call for an investigation, before the proper judicatories of the church.

# BRIEF HISTORY

OF THE

## TRIAL

OF THE

REV. WILLIAM A. SCOTT, D. D.

FROM ITS COMMENCEMENT BEFORE THE LATE PRESBYTERY OF NEW  
ORLEANS, IN JULY, 1845, TO ITS "TERMINATION" BY  
THE GENERAL ASSEMBLY, IN MAY, 1847.

WITH

IMPORTANT DOCUMENTS AND GRAVE DISCLOSURES  
NEVER BEFORE PUBLISHED.

---

BY JAMES SMYLIE,

A MEMBER OF THE PRESBYTERY OF LOUISIANA.

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*"Judgment is turned away backward, and Justice standeth afar off; for Truth is fallen in the street, and Equity cannot enter. Yea, Truth faileth; and he that departeth from evil maketh himself a prey: and the Lord saw it, and it displeased him that there was no judgment."*

ISAIAH LIX.—AN OLD AND MUCH NEGLECTED WRITER.

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NEW ORLEANS,  
PRINTED FOR THE AUTHOR.

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1847.













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